

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Brooks submitted the following report for the Committee of the Whole Senate:

C.S.H.B. 1**RECESS**

On motion of Senator Brooks, the Senate at 1:05 p.m. took recess until 10:30 a.m. tomorrow.

SIXTH DAY

(Continued)

(Sunday, August 25, 1991)

AFTER RECESS

The Senate met at 10:30 a.m. and was called to order by the President.

AT EASE

The President at 10:32 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 11:04 a.m. called the Senate to order as In Legislative Session.

CO-AUTHOR OF SENATE BILL 5

On motion of Senator Lyon and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 5.

CO-AUTHOR OF SENATE BILL 32

On motion of Senator Harris of Tarrant and by unanimous consent, Senator Lyon will be shown as Co-author of S.B. 32.

CO-AUTHOR OF SENATE BILL 33

On motion of Senator Harris of Tarrant and by unanimous consent, Senator Lyon will be shown as Co-author of S.B. 33.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 10

On motion of Senator Lucio and by unanimous consent, Senators Truan, Parker, Armbrister, Brown and Brooks will be shown as Co-authors of S.C.R. 10.

SENATE RESOLUTION ON FIRST READING

The following resolution was introduced, read first time and referred to the Committee indicated:

S.R. 75 by Dickson

State Affairs

Urging the Public Utility Commission of Texas to approve long-term contracts for the provision of natural gas to be used as fuel for the generation of electricity if an electric utility requests such approval.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Glasgow submitted the following report for the Committee on State Affairs:

H.B. 62 (Amended)**SENATE CONCURRENT RESOLUTION 15**

Senator Brooks offered the following resolution:

BE IT RESOLVED, by the Senate of the State of Texas, the House of Representatives concurring, that the 72nd Legislature, 2nd Called Session, stand adjourned sine die at 6:00 p.m. o'clock, Sunday, August 25, 1991.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

RECORD OF VOTE

Senator Zaffirini asked to be recorded as voting "Nay" on the adoption of the resolution.

SENATE RESOLUTION 64

Senator Harris of Dallas offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing one of our most distinguished colleagues, Senator Don Henderson, on the grand occasion of his 42nd birthday; and

WHEREAS, It is appropriate now to acknowledge the many contributions of Don Henderson to the legislature and the State of Texas; as a member of the Texas House of Representatives for 10 years, from 1973 to 1983, and as a member of the Texas Senate since 1983, Don Henderson has served his Harris County constituency with loyalty and dedication; and

WHEREAS, Highly capable and hardworking, Don Henderson serves as Vice-Chairman of the Senate State Affairs Committee and is the 1991 president pro tempore of the Senate for the 1st and 2nd Called Sessions; and

WHEREAS, He is a member of the Senate Jurisprudence Committee, the Senate Economic Development Committee, and the Subcommittee on Congressional Districts of the Senate Committee of the Whole on Redistricting; and

WHEREAS, A man of many talents and a leader in his community, he is a champion of his constituents' right to determine how their hard-earned tax dollars are spent and has worked diligently to represent their views in the Senate; and

WHEREAS, Known for his firm grasp of Senate rules and procedures, he has the ability to utilize this knowledge in the best interests of his constituents; and

WHEREAS, Also known as a fine orator, Don Henderson has the ability to stand his ground as he thoroughly explains his concerns about the possible adverse effects of legislation on the great state of Texas; and

WHEREAS, His colleagues in the Senate are grateful for the wealth of experience and knowledge Senator Henderson brings to the legislature and for his ever-present dignity, charm, and warm sense of humor; and

WHEREAS, An able statesman and an exemplary gentleman, Senator Henderson has long been respected and beloved by members of the Senate and the citizens of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, 2nd Called Session, hereby extend best wishes for a joyous birthday to Senator Don Henderson; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of the respect and affection of his colleagues in the Senate.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Harris of Dallas, the resolution was adopted by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 93 ON SECOND READING**

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 93, Relating to the efficient operation of the state criminal justice system, including the punishment of offenses, probation and parole, criminal justice services, the issuance of general obligation bonds for criminal justice facilities, and an emergency appropriation to the Texas Department of Criminal Justice for projects related to criminal justice facilities.

The bill was read second time.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.H.B. 93** in Article 11, Section 11.02, by striking subsection (c) in added Section 499.125, Government Code, and substituting in lieu thereof the following:

(c) If the board determines that a county is not reasonably utilizing its available certified jail beds, the payments authorized by this section shall be withheld to the extent necessary to equal the cost of the unutilized beds.

TURNER
BROOKS

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.H.B. 93** as follows:

On page 37, delete Sec. 18.03 and renumber accordingly.

TURNER
BROOKS

The amendment was read and was adopted by a viva voce vote.

Senator Lyon offered the following amendment to the bill:

Floor Amendment No. 3

Amend **C.S.H.B. 93**, on page 42, line 15, by striking "\$9,798,000" and replacing with "\$17,086,000".

LYON
BROOKS

The amendment was read and was adopted by a viva voce vote.

Senator Lyon offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.H.B. 93, in Section 22.06 of the bill, as follows:

(1) In Subsection (a), strike the last sentence and substitute the following: Such funds are for the purpose of implementing this Act.

(2) In Subsection (b), strike the third sentence and substitute the following: The bond proceeds are hereby appropriated to the State Preservation Board for the completion of the Capitol Extension. Of the amount of general revenue replaced by the bond proceeds, \$34.9 million is hereby appropriated to the Texas Department of Criminal Justice for the 1992-1993 biennium for the purpose of implementing this Act.

LYON
BROOKS

The amendment was read and was adopted by a viva voce vote.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.H.B. 93 by adding a new SECTION _____ to ARTICLE VII, and renumbering subsequent sections accordingly.

SECTION _____. Article 42.13, Code of Criminal Procedure, is amended by adding Section 13 to read as follows:

Section 13. PRETRIAL RELEASE REPORT. The Community Justice Assistance Division shall collect statistical information on the use of bail bonds, personal bonds and other types of pretrial release in each county of the state. The information shall be collected on an annual basis and analysed to determine the utilization rate for each type of release method. The Division shall file a report of its findings with the Criminal Justice Division of the Governor's Office, the Lieutenant Governor, the Speaker of the House of Representatives, and the members of the Legislature not later than December 31 of each year.

MONCRIEF
TURNER

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 6

Amend Section 18.01 of C.S.H.B. 93, on page 36, lines 53 through 68, by substituting the following for Sec. 511.0101(1):

(1) the number of prisoners confined in the county jail on the first day of the month, classified on the basis of the following categories:

- | | |
|---------------------------------------|---|
| | <u>(A) total prisoners;</u> |
| <u>offenders;</u> | <u>(B) pretrial Class C misdemeanor</u> |
| <u>offenders;</u> | <u>(C) pretrial Class A and B misdemeanor</u> |
| | <u>(D) convicted misdemeanor offenders;</u> |
| <u>been reduced to a misdemeanor;</u> | <u>(E) felony offenders whose penalty has</u> |

(F) pretrial felony offenders;
(G) convicted felony offenders;
(H) prisoners detained on bench
warrants;
(I) prisoners detained for parole
violations;
(J) prisoners detained for federal officers;
(K) prisoners awaiting transfer to the
institutional division of the Texas Department of Criminal Justice following
conviction of a felony or revocation of probation, parole, or release on mandatory
supervision and for whom paperwork and processing required for transfer have been
completed;
(L) prisoners detained after having been
transferred from another jail and for whom the commission has made a payment
under Subchapter F, Chapter 499, Government Code; and
(M) other prisoners.

TURNER
BROOKS

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.H.B. 93 on page 33, line 30 by deleting October 1 and inserting
December 1.

TURNER
BROOKS

The amendment was read and was adopted by a viva voce vote.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 8

Amend C.S.H.B. 93 as follows:

Amend Section 11.08 (15) (page 19, line 67) by deleting Subsection (15) and
substituting the following:

(15) a representative of an organization in the area to be served by the
department that is actively involved in issues relating to defendants' rights, chosen
by the county commissioners and county judges of the counties to be served by the
department.

TRUAN
BROOKS

The amendment was read and was adopted by a viva voce vote.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 9

Amend C.S.H.B. 93, Section 37.15, Subsection (b), on lines 3 and 4 of page
26, as follows:

1. On lines 3 and 4, amend (6) as follows:
(5) in the operation of a county jail; and
(6) as an advocate of crime victims' rights; and

2. After line 4, add a new (7) to read as follows:
(7) as an advocate of defendants' rights.

TRUAN
BROOKS

The amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 10

Amend C.S.H.B. 93 by striking SECTION 11.17 of the bill and renumbering subsequent sections appropriately.

BROWN
BROOKS

The amendment was read and was adopted by a viva voce vote.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 11

Amend C.S.H.B. 93 by adding the following article, and renumbering all other articles appropriately:

ARTICLE _____

SECTION ____01. Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.046 to read as follows:

Sec. 411.046. HATE CRIME REPORTING. (a) The bureau of identification and records shall establish and maintain a central repository for the collection and analysis of information relating to crimes that are motivated by prejudice, hatred, or advocacy of violence, including, but not limited to, incidents for which statistics are or were kept under Public Law No. 101-275, as that law existed on September 1, 1991. On establishing the repository, the department shall develop a procedure to monitor, record, classify, and analyze information relating to incidents directed against persons and property that are apparently motivated by the factors listed in this subsection.

(b) Local law enforcement agencies shall report offenses described by Subsection (a) in the form and manner and at regular intervals as prescribed by rules adopted by the department. The department shall summarize and analyze information received under this subsection and file an annual report with the governor and legislature containing the summary and analysis.

(c) The department shall make information, records, and statistics collected under this section available to any local enforcement agency, political subdivision, or state agency to the extent the information is reasonably necessary or useful to the agency or subdivision in carrying out duties imposed by law on the agency or subdivision. This subsection may not be construed to limit access to information, records, or statistics which access is permitted by other law. Dissemination of the names of defendants and victims is subject to all confidentiality requirements otherwise imposed by law.

SECTION ____02. This article takes effect October 1, 1991.

JOHNSON
BROOKS

The amendment was read and was adopted by a viva voce vote.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 12

Amend C.S.H.B. 93 as follows:

(1) Add a new section as follows and renumber subsequent sections accordingly:

SECTION ____ Subchapter D, Chapter 12, Penal Code, is amended by adding Section ____ to read as follows:

Sec. ____ SENTENCING FOR DRUG RELATED CRIMES COMMITTED NEAR SCHOOLS.

SECTION ____ FINDINGS; PURPOSE. (a) The legislature finds that the proximity of drug-related activity to schools and playgrounds is a serious problem facing the schoolchildren of this state, their parents and educators, and society as a whole, creating an emergency situation requiring a swift, strong response. The interactions of schoolchildren and between them and adults should be healthy and contribute to the development of positive social skills; the schoolchildren of this state deserve for their schools and playgrounds to be free from the blight of drug-related activity and to be safe and secure; and the quality of education will be enhanced by and society will benefit from the establishment of drug-free zones in and around elementary and secondary schools.

(b) It is the purpose of this Act to alleviate the problems arising from the availability of drugs to school-age children by eliminating the sale, possession, and use of controlled substances in and around elementary and secondary schools through the creation of drug-free zones in which deterrence and enforcement efforts are increased.

SECTION ____ Subchapter D, Chapter 481, Health and Safety Code, is amended by adding Section 481.134 to read as follows:

Sec. 481.134. DRUG-FREE ZONES. (a) In this section:

(1)(A) "Drug-free zone" means an area in, on, or within:

(i) 1,000 feet of the premises of a school;

or

(ii) 300 feet of the premises of a

playground;

(B) For purposes of this section, the distance from the premises of a school shall be measured by the shortest straight line from the place where the offense was committed to the nearest property line of the school.

(2) "Playground" means any outdoor facility that is not on the premises of a school and that:

(A) is intended for recreation;

(B) is open to the public; and

(C) contains three or more separate apparatus intended for the recreation of children, such as slides, swing sets, and teeterboards.

(3) "Premises" means real property and all buildings and appurtenances pertaining to the real property.

(4) "School" means a private or public elementary or secondary school.

(b) For a felony offense under Section 481.112, 481.113, 481.114, 481.119, or 481.120, if it is shown at the trial of the offense that the offense was committed in a drug-free zone, the judge shall double the fine imposed.

(c) It is not a defense to the increase in penalty provided in Subsection (b) that at the time of the offense:

(1) school was not in session; or

(2) no juveniles were present on the school or playground premises.

(d) It is an affirmative defense to prosecution under this section that:

(1) the offense was committed inside a private residence;

(2) no minor was present in the private residence at the time the offense was committed; and

(3) the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance for profit. The defendant shall establish the affirmative defense under this section by proving each element of the defense by a preponderance of the evidence.

(e) If it is shown on the trial of an offense under this section that the defendant has been previously convicted of an offense under this section, the defendant is not eligible for probation or deferred adjudication under Article 42.12, Code of Criminal Procedure.

(f) In a prosecution in which the penalty may be increased as provided in Subsection (b), a map produced or reproduced by any municipal or county engineer for the purpose of depicting the location and boundaries of drug-free zones or a true copy of such a map, shall, on proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of a drug-free zone, provided that the governing body of the municipality or county has adopted a resolution or ordinance approving the map as an official finding and record of the location and boundaries of drug-free zones. Any map approved pursuant to this subsection may be changed from time to time by the governing body of the municipality or county. The original or a true copy of every map approved or revised pursuant to this subsection shall be filed with the clerk of the municipality or county and shall be maintained as an official record of the municipality or county. Nothing in this subsection shall be construed to preclude the prosecution from introducing or relying on any other evidence or testimony to establish any element of an offense subject to increased penalty under this section, nor shall this subsection be construed to preclude the use or admissibility of any map or diagram other than one which has been approved by the governing body of a municipality or county, provided that the map or diagram is otherwise admissible pursuant to the Texas Rules of Criminal Evidence.

(g) One-half of all fines collected for offenses that incur doubled fines under this section is payable to the comptroller and shall be credited to a Drug Abuse Prevention Fund, which is appropriated to the Texas Commission on Alcohol and Drug Abuse to be expended for abuse prevention and treatment services for youth. The fines due the state under this section shall be collected along with and in the same manner as other fines are collected in the case. The officer collecting the fines due under this section shall keep separate records of the funds collected as fines under this section and shall deposit the funds in the county treasury. The custodians of the county treasuries with whom fines collected under this section are deposited shall keep records of the amount of fines collected under this section which are on deposit with them and shall on the first day of January, April, July, and October of each year remit to the comptroller one-half of all fines collected under this section during the preceding quarter.

(h) The Office of the Attorney General shall develop a list of enforcement guidelines to govern the procedures that peace officers shall follow in making arrests and conducting searches and seizures on school property during school hours.

SECTION _____. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. This Act takes effect December 1, 1991.

The amendment was read.

On motion of Senator Ellis and by unanimous consent, the amendment was withdrawn.

(Senator Armbrister in Chair)

Senator Green offered the following amendment to the bill:

Floor Amendment No. 13

Amend C.S.H.B. 93 as follows:

(1) On page 1, line 47, after the word "parole", insert a ";" and strike the remainder of the line.

(2) On page 1, strike lines 47-50.

(3) On page 2, after line 67, insert the following and renumber the following sections appropriately:

"Section 1.06. The change in law made by Section 1.01 of the Act to Section 8(b)(3), Article 42.18, Code of Criminal Procedure, applies only to a defendant sentenced for an offense committed on or after the effective date of this Article. A defendant sentenced for an offense committed before the effective date of this Article is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose."

GREEN
WHITMIRE

The amendment was read.

On motion of Senator Green and by unanimous consent, the amendment was withdrawn.

(President in Chair)

Senator Green offered the following amendment to the bill:

Floor Amendment No. 14

Amend C.S.H.B. 93 as follows:

Add the following appropriately numbered section and renumber subsequent sections accordingly:

SECTION ____ Article 42.18, Code of Criminal Procedure, is amended by adding Section 8A to read as follows:

Sec. 8A. (a) In addition to other conditions imposed by a parole panel under this article, the panel shall require as a condition of parole or release to mandatory supervision that the defendant reside during the period of parole or mandatory supervision in the county of the last known residence or address of the defendant. For purposes of this section, the Board of Pardons and Parole shall determine defendant's last known residence or address from all information available including the presentencing information report completed under Article 42.12, Section 9, Code of Criminal Procedure.

(b) A parole panel may require a defendant to reside in a county other than a county described by Subsection (a) of this section after considering whether the defendant's residence in the other county is necessary to:

(1) protect the life or safety of a victim of the defendant's offense, the defendant, a witness in the case, or any other person; or

(2) increase the likelihood of the defendant's successful completion of parole or mandatory supervision.

(c) At any time after a defendant is released on parole or mandatory supervision, the parole division may modify the conditions of parole or release on mandatory supervision to require the defendant to reside in a county other than the county required by the original conditions.

(d) If a parole panel requires the defendant to reside in a county other than county described by subsection (a) of this section, the panel shall state the reason for its decision in writing and place the statement in the defendant's permanent record.

(e) This section does not apply to a decision by a parole panel to require a defendant to serve the period of parole or mandatory supervision in another state.

(f) This section does not apply to any parole plans currently in place prior to the effective date of this act.

GREEN
WHITMIRE
ELLIS

The amendment was read.

On motion of Senator Turner, the amendment was tabled by the following vote: Yeas 21, Nays 8.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Carriker, Dickson, Haley, Harris of Tarrant, Harris of Dallas, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Sibley, Sims, Truan, Turner, Zaffirini.

Nays: Brown, Ellis, Green, Henderson, Krier, Ratliff, Tejeda, Whitmire.

Absent: Glasgow, Johnson.

VOTE ON ADOPTION OF FLOOR AMENDMENT NO. 10 RECONSIDERED

Senator Parker moved to reconsider the vote by which Floor Amendment No. 10 was adopted.

The motion prevailed by a viva voce vote.

RECORD OF VOTE

Senator Krier asked to be recorded as voting "Nay" on the motion to reconsider the vote.

Question—Shall Floor Amendment No. 10 be adopted?

Senator Parker offered the following substitute amendment for Floor Amendment No. 10:

Floor Amendment No. 15

Amend C.S.H.B. 93 as follows:

On line 22, page 26, delete "1993" and insert in lieu thereof "1994".

On line 44, page 26, delete "1993" and insert in lieu thereof "1994".

PARKER
MONCRIEF

The substitute amendment was read and was adopted by a viva voce vote.

RECORD OF VOTE

Senator Krier asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 15.

Question recurring on the adoption of Floor Amendment No. 10 as substituted, the amendment as substituted was adopted by a viva voce vote.

RECORD OF VOTE

Senator Krier asked to be recorded as voting "Nay" on the adoption of the amendment as substituted.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 16

Amend C.S.H.B. 93, in Article 2, by inserting a new Section 2.04 to read as follows and by renumbering existing Section 2.04 as Section 2.05:

SECTION 2.04. (a) Article 13, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 13.11 to read as follows:

Sec. 13.11. ADDITIONAL REPORTS ON MEDICAL COSTS BY THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE. (a) In addition to the reports required by Section 13.03 of this article, at least quarterly the Texas Department of Criminal Justice shall perform a cost analysis to determine for each unit in the institutional division the average daily medical cost per inmate confined in the unit. The department shall file a report of the analysis with the State Auditor.

(b) In determining average daily medical cost per inmate, the department shall assign costs for the following factors:

(1) staff costs, including salaries and fringe benefits for physicians, nurses, dentists, pharmacists, physician assistants, dental assistants, dental hygienists, health administrators, x-ray and laboratory technicians, medication aides, psychologists, social workers, therapists, counselors, medical record technicians, clerks, secretaries, emergency medical technicians, and paramedics;

(2) drugs, medical supplies, x-ray tests and supplies, and laboratory tests and supplies;

(3) clerical forms and office supplies; and

(4) medical equipment and ambulance transportation.

(c) The commission shall conduct a medical cost comparison review under Section 13.05 of this article for each unit of the institutional division for which a report is filed with the State Auditor under Subsection (a) of this section other than a unit that is a regional medical center, hospital, psychiatric facility, or geriatric facility. If the commission determines that at least the same quality and quantity of medical service can be purchased at a savings of more than 10 percent, the commission shall notify the department of that fact as required by Section 13.05(b) of this article, and the department shall take the actions required by Section 13.06 of this article.

(b) The Texas Department of Criminal Justice shall file the first reports required by Section 13.11, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by this section, not later than January 1, 1992.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 93 ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.H.B. 93 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Brooks in Chair)

FLOOR PRIVILEGES GRANTED

On motion of Senator Carriker and by unanimous consent, floor privileges were granted to all staff members as needed during deliberation on C.S.H.B. 1.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1 ON SECOND READING**

Senator Johnson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.H.B. 1, Relating to the apportionment of the state into congressional districts.

There was objection.

Senator Johnson then moved to suspend the regular order of business and take up **C.S.H.B. 1** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Ratliff, Sibley, Sims.

The bill was read second time.

**TECHNICAL CORRECTIONS TO
COMMITTEE SUBSTITUTE HOUSE BILL 1**

Pursuant to a motion previously adopted by the Committee of the Whole Senate, Senator Glasgow submitted the following technical corrections made to C.S.H.B. 1 by the Legislative Council's redistricting staff:

Three census blocks in Fort Bend County, with a total of six people, were inadvertently placed in district 7, which is otherwise wholly contained in Harris County. These blocks should have been placed in district 22, which contains portions of Harris County as well as portions of Fort Bend County. To put these blocks in the appropriate district and still maintain a zero population deviation in districts 7 and 22, a total of eight census blocks had to be shifted between the two districts. A total of 20 people in district 7 (six in Fort Bend and 14 in Harris County) were exchanged for 20 people from the Harris County portion of district 22.

From district 7 to district 22:

Block 321 of Harris County census tract 437.12, with 14 people

Block 404, 406, and 410B of Harris County census tract 437.12, each with no population

Block 120A of Fort Bend County census tract 703.12, with 6 people
Block 120B and 121 of Fort Bend County census tract 703.12, each with no
population

From district 22 to district 7:

Block 404 of Harris County census tract 436.13, with 20 people.

Senator Lyon submitted the following letter as it relates to C.S.H.B. 1:

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515
August 23, 1991

Honorable Ted Lyon
Texas Senate
Room 129-C, The Capitol
Austin, Texas 78711

Dear Ted:

While I recognize the tough chore you and the other members of the Texas Senate face as you draw the lines for congressional districts for the next decade, I would like to once again ask you for some help in reshaping the 13th Congressional District.

Having served on the committee on redistricting in 1981, I certainly know that getting the pieces of this puzzle to fit together is a hard task indeed.

Ted, I only have one change and it is one that I believe can be made without causing too much damage to the redistricting map. I would really like to see the city of Amarillo remain intact and in my district.

I have represented Amarillo and Potter and Randall Counties throughout my public service career. Amarillo is my home and it is my hope that you can help keep it together.

Thank you for any consideration and, most of all, for your friendship.

Sincerely,

/s/Bill Sarpalius

Senator Lyon offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.H.B. 1 as follows:

TEXAS REDISTRICTING SYSTEM
PLAN POPULATION ANALYSIS WITH COUNTY SUBTOTALS
CONGRESSIONAL DISTRICTS

-----COUNTY-----		-----POPULATION-----					-----% OF POPULATION-----				
TOTAL		BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DISTRICT 001 TOTALS											
BOWIE	866,095	102,854	18,084	120,046	441,986	4,053	18.1	3.2	21.2	78.1	0.7
CAMP	81,665	17,788	1,334	19,031	61,964	670	21.8	1.6	23.3	75.9	0.6
CASS	9,804	2,360	501	2,850	7,015	38	23.8	5.1	28.8	70.8	0.4
DELT	29,892	6,057	373	6,383	23,464	125	20.2	1.2	21.3	78.3	0.4
FRANKLIN	4,857	404	57	467	4,344	46	8.3	1.4	9.6	89.4	0.9
FRANKLIN	7,802	349	357	706	7,040	56	4.5	4.6	9.0	90.2	0.7
DISTRICT 002 TOTALS											
GREGG	34,337	9,566	1,538	11,050	22,956	331	27.9	4.5	32.2	66.9	1.0
HARRISON	57,483	16,038	1,278	17,238	39,907	336	27.8	2.2	30.0	69.4	0.6
HOPKINS	28,833	2,476	1,407	3,876	24,755	202	8.6	4.9	13.4	85.9	0.7
HUNT	33,412	5,522	1,713	7,186	25,859	367	16.5	5.1	21.5	77.4	1.1
LAMAR	43,949	6,397	475	6,844	36,546	559	14.6	1.1	15.6	83.2	1.3
MARION	9,884	3,100	147	3,240	6,696	48	31.0	1.5	32.5	67.1	0.5
MORRIS	13,200	3,227	239	3,459	9,660	81	24.4	1.8	26.2	73.2	0.6
NACOGDOCHES	44,210	3,821	2,171	5,955	37,858	387	8.6	4.9	13.5	85.6	0.9
PANOLA	22,035	4,057	477	4,519	17,429	87	18.4	2.2	20.5	79.1	0.4
RAINS	1,631	14	23	37	1,586	8	0.9	1.4	2.3	97.2	0.5
RED RIVER	14,317	2,872	272	3,130	11,107	80	20.1	1.9	21.9	77.6	0.6
RUSK	43,735	6,984	1,726	10,660	32,699	176	20.5	4.0	24.4	75.2	0.4
TITUS	24,003	3,229	2,526	5,744	18,128	137	13.4	10.6	23.9	75.5	0.6
UPSHUR	31,370	3,881	641	4,499	26,714	157	12.4	2.0	14.3	85.2	0.5
WOOD	29,380	2,402	788	3,162	26,069	149	8.2	2.7	10.8	88.7	0.5
DISTRICT 002 TOTALS											
ANGELINA	566,217	94,184	31,902	125,077	437,045	4,095	16.6	5.6	22.1	77.2	0.7
CHEROKEE	69,884	10,731	5,072	16,623	52,777	484	15.4	8.7	23.8	75.5	0.7
GRIMES	41,020	6,926	2,897	9,550	31,180	280	16.9	6.6	23.3	76.0	0.7
HARDIN	18,828	4,514	2,657	7,209	11,554	65	24.3	1.1	25.3	61.4	0.3
HOUSTON	41,320	3,485	679	4,138	37,006	176	8.4	1.6	10.0	89.6	0.4
HOUSTON	21,375	6,326	965	7,237	14,042	96	29.6	4.5	33.9	65.7	0.4
JASPER	31,102	5,868	594	6,446	24,529	127	18.9	1.9	20.7	78.9	0.4
LIBERTY	52,726	6,911	2,860	9,701	42,699	326	13.1	5.5	18.4	81.0	0.6
MONTGOMERY	18,722	3,815	3,877	7,651	10,871	200	20.4	20.7	40.9	58.1	1.1
NACOGDOCHES	10,543	5,199	617	5,781	4,717	45	48.3	5.9	54.8	44.7	0.4
NEWTON	13,569	3,039	153	3,180	10,329	60	22.4	1.1	23.4	76.1	0.4
ORANGE	80,509	6,768	1,933	8,667	71,142	700	8.4	2.4	10.8	88.4	0.9
POLK	30,687	3,896	1,610	5,458	24,531	698	12.7	5.2	17.8	78.9	2.3
SABINE	7,586	1,117	111	1,220	6,339	27	11.7	1.2	12.7	87.0	0.3
SAN AUGUSTINE	7,999	2,244	138	2,374	6,607	18	28.1	1.7	29.7	70.1	0.2
SAN JACINTO	16,372	2,544	431	2,965	13,319	88	15.5	2.6	18.1	81.4	0.5
SHELBY	22,034	4,727	538	5,249	16,719	66	21.5	2.4	23.8	75.9	0.3
SMITH	933	1	37	1	917	8	0.1	0.8	0.9	98.3	0.9
TRINITY	11,445	1,645	272	1,914	9,485	46	14.4	2.4	16.7	82.9	0.4
TYLER	16,646	1,984	177	2,163	14,426	57	12.0	1.1	13.0	86.7	0.3
WALKER	50,917	12,334	5,493	17,543	32,856	518	24.2	10.8	34.5	64.5	1.0
DISTRICT 003 TOTALS											
DISTRICT 003 TOTALS	566,217	24,554	33,868	58,048	487,119	21,050	4.3	6.0	10.3	86.0	3.7

DISTRICT 007 - CONTINUED	COUNT	POPULATION				% OF POPULATION			
		TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP
HARRIS	566,144	33,432	67,388	99,841	434,042	32,361		5.9	11.9
DISTRICT 008 TOTALS	566,217	29,710	40,668	69,974	483,683	12,860		5.2	7.2
AUSTIN	15,616	2,030	1,589	3,577	11,977	62		13.0	10.2
BRAZOS	101,367	6,165	8,618	15,696	81,178	4,493		6.1	9.5
HARRIS	258,169	12,081	18,898	30,766	221,322	6,081		4.7	7.3
MONTGOMERY	163,479	3,948	9,360	13,245	148,565	1,669		2.4	5.7
WALLER	1,432	23	85	105	1,320	7		1.6	5.9
WASHINGTON	26,154	5,463	1,156	6,585	19,321	248		20.9	4.4
DISTRICT 008 TOTALS	566,217	122,712	53,487	174,646	378,532	13,039		21.7	9.4
CHAMBERS	20,088	2,550	1,195	3,735	16,170	182		12.7	5.9
GALVESTON	217,299	38,154	30,862	68,378	144,852	4,171		17.6	14.2
HARRIS	89,333	7,596	8,701	16,127	70,177	3,029		8.5	9.7
JEFFERSON	209,397	74,412	12,629	86,408	147,333	5,856		31.1	5.3
DISTRICT 010 TOTALS	566,217	63,134	121,148	182,110	365,745	18,362		11.2	21.4
TRAVIS	566,217	63,134	121,148	182,110	365,745	18,362		11.2	21.4
DISTRICT 011 TOTALS	566,217	90,199	68,170	156,267	398,110	10,840		15.9	12.0
BELL	191,088	36,095	24,995	59,972	124,908	6,208		18.9	13.1
BOSQUE	15,125	319	1,430	1,742	13,320	63		2.1	9.5
BURNET	12,250	123	1,196	1,314	10,861	75		1.0	9.8
CORYELL	64,213	13,592	6,243	19,536	42,681	1,996		21.2	9.7
FALLS	17,712	4,810	2,072	6,804	10,843	65		27.2	11.7
HAMILTON	7,723	2	403	405	7,284	44		0.0	5.2
MILL	27,846	2,520	2,230	4,722	22,310	114		9.3	8.2
UTAH	18,911	458	1,153	1,994	11,321	206		2.0	13.0
WILLAS	189,323	29,540	23,663	52,879	134,507	1,937		15.6	12.6
WILKINSON	22,946	2,340	3,436	6,340	16,528	78		12.8	15.1
SOMERVELL	5,360	10	748	759	4,547	54		0.2	14.0
DISTRICT 012 TOTALS	566,217	45,426	92,253	136,693	416,474	13,050		8.0	16.3
JOHNSON	67,020	2,176	5,448	7,557	58,981	482		3.2	8.1
PARKER	48,349	518	2,072	2,577	45,359	413		1.1	4.3
TARRANT	480,848	42,732	84,733	126,559	312,134	12,155		9.5	18.8
DISTRICT 013 TOTALS	566,217	45,339	109,968	154,199	401,685	10,133		8.0	19.4

-----COUNTY-----		-----POPULATION-----				-----% OF POPULATION-----						
DISTRICT 013	CONTINUED	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
ARTHER		7,972	11	189	200	7,733	40	0.1	2.4	2.5	97.0	0.5
ANNISBURG		2,021	0	55	55	1,951	15	0.0	2.7	2.7	96.5	0.7
BAYLOR		4,385	180	334	514	3,848	23	4.1	7.6	11.7	87.8	0.5
BERSCOE		1,971	68	367	435	1,532	4	3.5	18.6	22.1	77.7	0.2
CARSON		6,576	11	354	365	6,158	53	0.2	5.4	5.6	93.6	0.8
CASANO		9,070	261	4,187	4,446	4,574	50	2.9	46.2	49.0	50.4	0.6
CHILDRENS		5,853	321	853	1,171	4,736	46	5.4	14.3	19.7	79.6	0.8
CLAY		10,054	33	247	279	9,642	107	0.3	2.4	2.7	96.2	1.1
CORRINE		3,573	230	561	786	2,750	35	6.4	15.7	22.1	77.0	1.0
COOKE		956	0	53	53	898	5	0.0	5.5	5.5	93.9	0.5
COTILE		2,247	199	367	563	1,675	8	8.9	16.3	25.1	74.6	0.4
CROSBY		7,304	321	3,111	3,408	3,869	27	4.4	42.6	46.7	53.0	0.4
DENTON		43,037	4,940	4,718	9,563	31,870	1,604	11.5	11.0	22.3	74.1	3.7
DICKENS		2,571	113	479	590	1,964	17	4.4	18.6	22.9	76.4	0.7
DONLEY		3,696	127	139	266	3,415	15	3.4	3.8	7.2	92.4	0.4
FOARD		8,497	320	3,381	3,694	4,759	44	3.8	39.8	43.5	56.0	0.5
FOARD		1,794	88	231	306	1,478	10	4.9	13.0	17.1	82.4	0.6
GARZA		5,143	328	1,454	1,760	3,354	29	6.4	28.3	34.2	65.2	0.6
GRAY		23,967	899	1,896	2,777	20,841	349	3.8	7.9	11.6	87.0	1.5
HALL		31,671	1,852	11,424	16,194	18,181	296	5.7	41.6	46.7	52.4	0.9
HALL		3,492	321	727	1,028	2,450	27	7.8	18.6	26.3	73.0	0.7
HARTMAN		5,283	323	589	907	4,311	45	6.1	11.1	17.2	82.0	0.9
HARTMAN		3,729	7	419	419	3,275	24	0.2	11.1	11.3	88.0	0.7
HENDERSON		25,089	677	2,509	3,170	22,108	421	2.6	9.8	12.3	86.0	1.6
HENDRICK		354	0	53	53	301	0	0.0	15.0	15.0	85.0	0.0
HERR		4,897	138	1,084	1,222	3,606	18	7.0	22.5	29.4	70.2	0.4
HERR		15,072	822	3,403	4,225	8,700	63	5.5	26.6	32.1	67.2	0.5
HERR		21,413	1	379	380	2,723	40	0.0	15.1	15.1	84.6	1.3
LYNN		42,811	10,535	22,905	33,110	9,768	200	2.6	53.5	77.4	21.9	0.7
LYNN		6,798	223	2,819	3,041	3,683	34	3.3	41.7	45.0	54.5	0.5
MONTAGUE		17,274	5	548	552	16,632	90	0.0	3.2	3.2	96.3	0.5
MOTLEY		1,532	68	136	204	1,319	9	4.4	8.9	13.3	86.1	0.6
POTTER		97,874	8,673	10,240	27,706	66,877	3,291	8.9	19.7	28.3	68.3	3.4
ROBERTS		1,025	0	34	34	988	3	0.0	3.3	3.3	96.4	0.3
SWISHER		8,133	340	2,496	2,828	9,254	51	4.2	30.7	34.8	64.6	0.6
WHEELER		5,879	154	378	523	5,297	59	2.6	6.4	8.9	80.1	1.0
WICHITA		122,378	11,221	10,555	21,541	98,127	2,710	8.2	8.6	17.6	80.2	2.2
WILBARGER		15,121	1,349	2,185	3,521	11,437	163	8.9	14.5	23.3	75.6	1.1
DISTRICT 014 TOTALS		566,217	60,912	135,172	194,313	366,621	5,283	10.8	23.9	34.3	64.7	0.9
ARANSAS		17,892	319	3,588	3,889	13,306	697	1.8	20.1	21.7	74.4	3.9
AUSTIN		4,216	578	1,448	1,052	3,148	167	13.7	11.5	25.0	74.7	0.4
BASTROP		38,283	4,512	6,933	11,284	26,665	314	11.8	18.1	29.5	69.7	0.8

TEXAS REDISTRICTING SYSTEM
PLAN POPULATION ANALYSIS WITH COUNTY SUBTOTALS
CONGRESSIONAL DISTRICTS

COUNTY	POPULATION				X OF POPULATION			
	TOTAL	BLACK	HISPANIC	BLK+HISP	BLACK	HISP	B+H	ANGLO OTHER
DISTRICT 014 - CONTINUED								
BRAZORIA	58,740	7,264	11,450	18,913	37,816	12.8	20.2	22.5
BURLESON	13,625	2,430	1,624	9,543	411	17.8	11.9	22.5
CALDWELL	26,292	2,825	9,988	12,663	66	10.7	37.8	48.6
CALHOUN	19,053	356	6,893	7,435	11,021	2.9	36.2	39.0
COLORADO	18,283	3,118	2,833	5,893	53	17.0	15.4	32.1
FAYETTE	20,095	1,686	1,702	3,364	16,678	8.4	6.9	16.7
GONZALES	17,205	1,716	6,142	7,729	9,398	10.0	35.7	44.9
HAYS	65,514	2,220	18,249	20,340	44,661	3.4	27.8	31.0
JACKSON	13,039	1,218	2,772	3,967	9,047	9.3	21.3	30.4
LAVACA	18,690	1,342	1,596	2,912	15,716	7.2	8.5	15.6
LEE	12,854	1,780	1,410	3,162	9,650	13.8	11.0	24.6
MATAGORDA	36,828	5,108	9,088	14,118	21,878	13.8	24.6	38.2
REFUGIO	7,976	645	3,164	3,772	4,181	8.1	39.7	47.3
VICTORIA	74,361	4,906	25,372	30,010	43,835	6.6	34.1	40.4
WALLER	21,958	8,773	2,507	11,225	10,636	40.0	11.4	51.1
WHARTON	29,955	6,308	10,103	16,269	23,501	15.8	25.3	40.7
WILLIAMSON	42,878	3,610	5,274	12,706	29,557	8.4	21.6	29.6
DISTRICT 015 TOTALS	566,217	6,484	419,153	424,949	137,913	1.1	74.0	75.1
BEE	25,135	727	12,909	13,599	11,211	2.9	51.4	58.1
BROOKS	6,204	3	7,338	7,340	824	0.0	89.4	89.5
DE WITT	18,840	2,114	4,587	6,523	12,265	11.2	32.2	43.6
GOLIAD	5,980	407	2,145	2,532	3,420	6.6	35.9	42.3
MIDALGO	383,545	806	326,972	327,490	54,259	0.2	85.2	85.4
JIM WELLS	10,266	43	4,995	5,033	5,185	0.4	48.7	49.0
KARNES	12,455	362	5,916	6,289	6,136	2.9	47.5	49.3
KLEBERG	30,104	988	18,378	19,333	10,261	3.3	61.0	64.2
LIVE OAK	9,556	10	3,324	3,327	6,158	0.1	34.8	34.8
SAN PATRICIO	58,749	968	29,809	30,672	27,668	1.6	50.7	52.2
WILLACY	3,383	46	2,800	2,841	525	1.4	82.8	84.0
DISTRICT 016 TOTALS	566,217	20,272	398,384	417,172	141,546	3.6	70.4	73.7
EL PASO	566,217	20,272	398,384	417,172	141,546	3.6	70.4	73.7
DISTRICT 017 TOTALS	566,217	19,749	96,684	115,813	445,320	3.5	17.1	20.5
BORDEN	798	2	120	120	669	0.3	15.0	15.0
BROWN	34,371	1,352	2,720	5,329	28,884	4.5	11.1	15.5
CALLAHAN	11,859	2	489	489	11,289	0.0	12.3	12.3
COME	3,424	6	422	426	2,977	0.0	12.3	12.3
COLEMAN	9,710	246	1,139	1,383	8,288	2.5	11.7	14.2

COUNTY	TOTAL	BLACK	POPULATION			-----% OF POPULATION-----							
			HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER		
DISTRICT 017 - CONTINUED													
COMANCHE	13,381	16	2,205	2,215	11,109	57	0.1	16.5	16.6	83.0	0.4		
CONCHO	3,044	16	1,194	1,208	1,827	9	0.5	39.2	39.7	60.0	0.3		
DAWSON	14,349	622	6,120	6,728	7,569	52	4.3	42.7	46.9	52.7	0.4		
EASTLAND	18,488	397	1,404	1,798	16,605	84	2.1	7.6	9.7	88.8	0.5		
ERATH	27,991	195	2,458	2,650	25,123	218	0.7	8.8	9.5	89.8	0.8		
FISHER	4,842	190	997	1,189	3,552	7	3.9	20.6	24.4	75.4	0.1		
HASKELL	6,820	244	1,312	1,551	5,276	40	3.6	19.2	22.7	76.7	0.6		
HOWARD	28,940	52	1,283	1,405	27,231	325	0.2	4.7	5.8	94.0	1.1		
JACK	6,981	51	832	879	6,226	30	0.7	26.2	30.2	58.3	0.4		
JONES	16,490	666	2,786	3,437	12,970	83	4.0	16.9	20.8	78.7	0.5		
KENT	1,010	6	120	126	883	1	0.6	11.9	12.5	87.4	0.1		
MCULLOCH	8,778	166	2,317	2,468	6,289	21	1.9	26.4	28.1	71.6	0.2		
MARTIN	4,956	89	1,960	2,047	2,881	28	1.8	38.5	41.3	58.1	0.6		
MILLS	4,531	10	484	494	4,028	8	0.2	10.7	10.9	88.9	0.2		
MITCHELL	8,016	363	2,389	2,751	5,241	24	4.5	29.8	34.3	65.4	0.3		
NOLAN	16,594	775	4,216	4,978	11,524	92	4.7	25.6	30.0	69.4	0.6		
PALO PINTO	25,055	792	2,301	3,084	21,707	264	3.2	9.2	12.3	86.6	1.1		
RUNNELS	11,294	183	2,740	2,921	8,340	33	1.6	24.3	25.9	73.8	0.3		
SAN SABA	5,401	14	998	1,011	4,373	17	0.3	18.5	18.7	81.0	0.3		
SCURRY	18,634	879	4,454	5,320	13,214	100	4.7	23.9	28.5	70.9	0.5		
SHACKELFORD	3,316	12	272	284	3,016	16	0.4	8.2	8.6	91.0	0.5		
STEPHENS	9,010	252	767	1,001	7,950	59	2.8	8.5	11.1	88.2	0.7		
STONEWALL	2,013	89	237	325	1,677	11	4.4	11.8	16.1	83.3	0.5		
TAYLOR	119,655	7,547	17,511	24,847	92,955	1,853	6.3	14.6	20.8	77.7	1.5		
THROCKMORTON	1,880	0	126	136	1,732	12	0.0	7.2	7.2	92.1	0.6		
TOWN GREEN	39,396	2,432	17,258	19,557	19,306	533	6.2	43.8	49.6	49.0	1.4		
WISE	21,078	380	2,683	3,050	31,340	289	1.1	7.7	8.8	90.4	0.8		
YOUNG	18,126	268	1,164	1,424	16,597	105	1.5	6.4	7.9	91.6	0.6		
DISTRICT 018 TOTALS	566,217	287,856	93,517	376,878	170,457	18,882	50.8	16.5	66.6	30.1	3.3		
HARRIS	506,217	287,856	93,517	376,878	170,457	18,882	50.8	16.5	66.6	30.1	3.3		
DISTRICT 019 TOTALS	566,217	14,110	110,776	124,688	433,901	7,628	2.5	19.6	22.0	76.6	1.3		
ANDREWS	14,338	274	4,552	4,811	9,281	246	1.9	31.7	33.6	64.7	1.7		
BAILEY	7,064	124	2,740	2,857	4,184	23	1.8	38.8	40.4	59.2	0.3		
COCHRAN	4,377	234	1,857	2,087	2,275	15	5.3	42.4	47.7	52.0	0.3		
DALLAM	5,461	112	1,151	1,253	4,157	51	2.1	21.1	22.9	76.1	0.9		
DEAF SMITH	19,153	307	9,356	9,643	9,417	93	1.6	48.8	50.3	48.2	0.5		
ECTOR	84,590	1,880	16,129	17,940	65,612	1,028	2.2	19.1	21.2	77.6	1.2		
GAINES	14,123	334	4,608	4,932	9,086	95	2.4	32.6	34.9	64.4	0.7		
HANFORD	5,848	0	1,174	1,174	4,637	37	0.0	20.1	20.1	79.3	0.6		

COUNTY	TOTAL	POPULATION			POPULATION			POPULATION			POPULATION			POPULATION		
		BLACK	HISPANIC	BLACK+HISP	ANGLO	OTHER	BLACK	HISP	BLACK+HISP	ANGLO	OTHER	BLACK	HISP	BLACK+HISP	ANGLO	OTHER
DISTRICT 019 - CONTINUED																
DAWSON	3,624	9	201	210	3,388	36	0.2	5.5	5.8	93.2	1.0					
DAWSON	24,199	1,023	7,654	8,677	126	4.2	31.6	35.7	53.7	0.6						
DAWSON	179,825	6,519	28,106	34,625	142,046	3,265	3.7	15.6	19.2	1.8						
DAWSON	49,926	1,511	6,525	8,036	41,106	751	3.2	13.2	16.2	2.3						
DAWSON	17,865	95	5,593	5,772	11,707	386	0.5	31.9	32.3	63.3	2.2					
DISTRICT 020																
DCHILTREE	9,128	2	1,641	1,643	7,373	112	0.0	18.0	18.0	80.8	1.2					
DLDHAM	2,278	9	2,000	2,009	2,020	48	0.4	8.8	9.2	88.7	2.2					
PARNER	9,863	123	4,056	4,209	5,600	54	1.2	41.5	42.7	55.8	0.5					
RANDALL	89,670	1,115	6,144	7,238	81,364	1,083	1.2	6.9	8.1	90.7	1.2					
SHERMAN	2,858	4	638	542	2,302	14	0.1	18.8	19.0	80.9	0.5					
TERRY	13,218	449	5,194	5,632	7,486	100	3.4	39.3	42.6	56.6	0.8					
YOKUM	8,786	86	3,217	3,302	5,442	42	1.0	36.6	37.6	61.9	0.9					
DISTRICT 020 TOTALS																
	566,217	32,628	343,870	374,807	182,219	9,191	5.8	60.7	66.2	32.2	1.6					
BEXAR																
	566,217	32,628	343,870	374,807	182,219	9,191	5.8	60.7	66.2	32.2	1.6					
DISTRICT 021 TOTALS																
	566,217	32,628	343,870	374,807	182,219	9,191	5.8	60.7	66.2	32.2	1.6					
BANDERA																
	10,562	23	1,172	1,195	9,276	91	0.2	11.1	11.3	87.8	0.9					
BEXAR	165,040	5,403	26,643	31,846	130,397	2,803	3.3	16.1	19.3	79.0	1.7					
BLANCO	5,972	56	840	896	5,038	38	0.9	14.1	15.0	84.4	0.6					
BURNET	10,427	146	1,244	1,381	8,953	93	1.4	11.9	13.2	85.9	0.9					
COMAL	36,679	185	3,119	3,304	34,334	226	0.5	10.2	10.6	88.8	0.6					
GILLESPIE	17,204	34	2,426	2,455	14,756	73	0.2	14.1	14.3	85.3	0.4					
GLASSBORO	1,147	0	1,424	1,424	1,018	5	0.0	29.3	29.3	70.4	0.3					
GUADALUPE	26,818	1,161	7,858	9,012	27,212	474	3.0	20.5	23.4	75.4	1.2					
HEBARD	1,629	2	3,385	3,387	1,240	2	0.1	23.6	23.8	76.1	0.1					
KENDALL	14,589	58	2,392	2,441	12,052	96	0.4	16.4	16.7	82.6	0.7					
KERR	36,304	805	5,994	6,746	29,303	255	2.2	16.5	18.6	80.7	0.7					
KIMBLE	4,122	2	1,772	1,774	3,330	18	0.0	18.7	18.8	80.8	0.4					
LLANO	11,631	22	453	475	11,098	58	0.2	9.0	9.1	93.4	0.5					
MASON	3,423	6	671	677	2,734	12	0.2	19.6	19.8	79.3	0.4					
MENARD	2,252	7	726	733	1,511	8	0.3	32.2	32.5	67.1	0.4					
MIDLAND																
	31,453	682	2,760	3,431	27,639	383	2.2	8.8	10.9	87.9	1.2					
REAL	2,412	0	574	574	1,814	24	0.0	23.8	23.8	75.2	1.0					
SCHLEICHER	2,990	27	1,062	1,086	1,898	6	0.9	35.5	36.3	63.5	0.2					
STERLING	1,438	0	366	366	1,067	5	0.0	25.5	25.5	74.2	0.3					
TOM GREEN	59,062	1,704	8,233	9,899	48,336	827	2.9	13.9	16.8	81.8	1.4					
TRAVIS																
	10,190	39	541	577	9,534	79	0.4	5.3	5.7	93.6	0.8					
WILLIAMSON	96,573	3,251	10,730	13,895	80,767	1,971	3.4	11.1	14.3	83.6	2.0					
DISTRICT 022 TOTALS																
	566,217	44,180	90,751	133,543	392,194	40,480	7.8	16.0	23.6	69.3	7.1					

TEXAS REAPPORTING SYSTEM
PLAN POPULATION ANALYSIS WITH COUNTY SUBTOTALS
CONGRESSIONAL DISTRICTS

COUNTY	TOTAL	POPULATION			X OF POPULATION		
		BLACK	HISPANIC	BLK+HISP	BLACK	HISP	BLK+HISP
DISTRICT 022 - CONTINUED							
BRAZORIA	134,967	8,717	22,317	30,709	101,867	2,391	2,391
FORT BEND	177,926	17,263	34,693	51,956	113,361	13,021	13,021
HARRIS	253,324	18,200	33,711	51,910	176,946	25,068	25,068
DISTRICT 023 TOTALS	566,217	44,180	90,721	135,601	386,436	47,479	47,479
BENAR	95,091	1,943	19,331	21,199	71,866	2,026	2,026
BREWSTER	8,681	85	3,702	3,779	4,833	69	69
CRANE	4,652	130	1,575	1,705	2,920	27	27
CROCKETT	4,078	39	2,051	2,090	2,016	10	10
CULBERSON	3,407	2	2,419	2,421	950	36	36
DIMMIT	10,433	60	8,688	8,748	1,655	40	40
ECTOR	34,344	3,677	21,186	24,863	9,210	368	368
EDWARDS	2,266	0	1,182	1,182	1,076	8	8
EL PASO	25,393	1,838	13,235	15,073	9,767	654	654
HUDSPETH	2,915	15	1,335	1,350	956	15	15
JEFF DAVIS	1,946	7	770	776	1,154	16	16
KINNEY	3,119	57	1,570	1,627	1,463	38	38
LOVING	107	0	14	14	93	0	0
MAVERICK	36,378	32	34,034	34,066	1,571	770	770
MEDINA	27,312	92	12,134	12,226	14,928	179	179
MIDLAND	25,222	5,988	13,495	19,483	5,756	182	182
PECOS	14,675	62	8,331	8,393	6,209	84	84
PRESDIO	6,637	6	5,417	5,423	1,197	21	21
REAGAN	4,514	127	1,941	2,068	2,458	7	7
REEVES	15,852	347	11,545	11,892	3,909	58	58
SUTTON	4,135	2	1,866	1,868	2,244	24	24
TERRELL	1,410	1	751	752	651	7	7
UPTON	4,437	94	1,666	1,760	2,666	27	27
UVALDE	23,340	47	14,104	14,151	9,030	171	171
VAL VERDE	38,721	757	27,299	28,056	10,418	324	324
WARD	13,115	457	4,830	5,287	7,728	125	125
WEBB	133,239	156	125,069	125,225	7,427	675	675
WINKLER	8,626	167	3,172	3,339	5,236	63	63
ZAVALA	12,162	296	10,875	11,171	954	49	49
DISTRICT 024 TOTALS	566,217	108,340	123,540	231,880	320,980	15,354	15,354
DALLAS	233,888	19,735	82,512	102,247	126,970	5,335	5,335
ELLIS	57,213	7,585	9,128	16,713	40,213	382	382
NAVARO	39,926	7,574	2,891	10,465	29,120	392	392
TARRANT	235,190	73,446	29,009	102,455	124,677	9,145	9,145
DISTRICT 025 TOTALS	566,217	153,565	96,238	249,803	297,957	21,983	21,983

TEXAS REDISTRICTING SYSTEM
PLAN POPULATION ANALYSIS WITH COUNTY SUBTOTALS
CONGRESSIONAL DISTRICTS

	-----COUNTY-----				-----POPULATION-----				-----X OF POPULATION-----			
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER	
DISTRICT 025 - CONTINUED												
FORT BEND	47,422	28,324	9,194	38,036	7,804	1,583	61.8	19.4	80.2	16.5	3.3	
HARRIS	518,795	124,241	87,044	208,242	280,153	20,400	23.9	16.6	40.1	55.9	3.9	
DISTRICT 026 TOTALS	566,217	23,679	51,827	74,395	486,816	24,406	4.2	9.2	13.2	82.4	4.3	
COLLIN	73,977	2,076	4,192	6,240	64,478	3,259	2.8	5.7	8.4	87.2	4.4	
DALLAS	292,668	14,155	35,131	48,945	238,871	14,925	4.8	12.0	16.7	78.2	5.1	
DENTON	185,396	7,401	12,288	19,548	169,603	6,755	3.8	6.3	10.0	86.8	3.2	
TARRANT	4,176	47	215	262	3,864	50	1.1	5.1	6.3	92.3	1.2	
DISTRICT 027 TOTALS	566,217	13,549	377,696	390,241	171,304	4,672	2.4	66.7	68.9	30.3	0.8	
CAMERON	260,120	825	212,995	213,562	45,354	1,204	0.3	81.9	82.1	17.4	0.5	
KENEDY	460	0	362	362	93	5	0.0	78.7	78.7	20.2	1.1	
KLEBERG	170	0	151	151	18	1	0.0	88.8	88.8	10.5	0.6	
MUECES	291,145	12,691	152,051	163,997	123,716	3,432	4.4	52.2	56.3	42.5	1.2	
WILLACY	14,322	33	12,137	12,169	2,123	30	0.2	84.7	85.0	14.8	0.2	
DISTRICT 028 TOTALS	566,217	48,295	341,843	388,487	171,978	5,752	8.5	60.4	68.6	30.4	1.0	
ATASCOSA	30,533	143	16,064	16,172	14,194	167	0.5	52.6	53.0	46.5	0.5	
BEZAR	359,046	44,695	199,336	242,690	111,667	4,689	12.4	55.5	67.6	31.1	1.3	
COMAL	12,153	258	7,923	8,166	4,839	88	2.0	60.2	62.1	37.2	0.7	
DUVAL	12,918	12	11,267	11,275	1,601	42	0.1	87.2	87.3	12.4	0.3	
FRIO	13,472	163	9,739	9,890	3,509	73	1.4	72.4	73.4	26.0	0.5	
GUADALUPE	36,055	2,504	11,288	13,625	12,182	248	9.6	43.3	52.3	46.8	1.0	
JUN DRUG	5,105	175	4,659	4,682	4,307	23	0.1	91.2	91.3	8.3	0.5	
JUN WILLS	27,433	175	22,406	22,395	4,307	147	0.6	81.0	81.6	17.9	0.5	
LA SALLE	5,294	53	4,838	4,830	1,182	32	1.0	77.4	78.4	21.0	0.6	
MCNULTEN	611	0	4,330	4,320	493	4	0.0	39.2	39.2	60.3	0.5	
STARR	40,518	25	39,390	39,398	1,001	118	0.1	97.2	97.2	2.5	0.3	
WILSON	22,650	242	8,054	8,299	14,273	88	1.1	35.6	36.6	63.0	0.4	
ZAPATA	9,279	1	7,519	7,530	1,726	33	0.0	81.0	81.0	18.8	0.4	
DISTRICT 028 TOTALS	566,217	57,774	335,666	388,735	165,016	11,466	10.2	59.3	68.8	29.1	2.0	
HARRIS	566,217	57,774	335,666	388,735	165,016	11,466	10.2	59.3	68.8	29.1	2.0	
DISTRICT 030 TOTALS	566,217	283,225	96,732	375,233	177,661	13,223	50.0	17.1	66.3	31.4	2.4	
COLLIN	7,050	1,398	2,696	4,048	2,844	158	19.8	38.2	37.4	40.3	2.2	
DALLAS	537,218	280,620	93,472	369,452	174,622	13,144	50.4	16.6	66.3	31.3	2.4	
TARRANT	1,949	1,207	564	1,733	195	21	61.9	28.9	88.9	10.0	1.1	

PLAN ANALYSIS REPORTS SYSTEM
PLAN POPULATION ANALYSIS
CONGRESSIONAL DISTRICTS

PAR203B
DATA: UNADJUSTED PL94-171
PLANID: PLANC645 082391 20:03:42

TOTAL STATE POPULATION 16,986,510
TOTAL DISTRICTS REQUIRED 30
IDEAL DISTRICT POPULATION 566,217

UNASSIGNED POPULATION
REMAINING DISTRICTS
UNASSIGNED MEAN DEVIATION

0
0

	MEAN (AVERAGE)	SMALLEST POPULATION DIST	LARGEST POPULATION DIST
DISTRICT POPULATION	566,217	566,095	566,326
TOTAL DEVIATION	8	-122	109
PERCENT DEVIATION	0.00%	-0.02%	0.02%

PLAN'S RANGE OF DEVIATION: TOTAL * 231 PERCENT * 0.04%

PLAN2020B
DATA: UNADJUSTED PL94-171
PLANID: PLANC645 082391 20:03:42

PLAN ANALYSIS REPORTS SYSTEM
PLAN POPULATION ANALYSIS
CONGRESSIONAL DISTRICTS

08/24/91
01:18:16
PAGE 002

DIST	-----DEVIATION-----		-----POPULATION-----					-----% OF POPULATION-----						
	TOTAL	PERCENT	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	8+H	ANGLO	OTHER	
1	-122	-0.02	TTL VAP	566,095 416,374	102,554 68,237	18,094 11,271	120,046 79,130	441,998 334,373	4.052 2.871	18.1 16.4	3.2 2.7	21.2 19.0	78.1 80.3	0.7 0.7
2	0	0.00	TTL VAP	566,217 414,265	94,184 63,733	31,902 20,304	125,077 83,347	437,045 328,031	4.095 2.887	16.6 15.4	5.6 4.9	22.1 20.1	77.2 79.2	0.7 0.7
3	0	0.00	TTL VAP	566,217 419,728	24,554 16,104	33,868 22,544	58,048 38,404	487,119 367,007	21,050 14,317	4.3 3.8	6.0 5.4	10.3 9.1	86.0 87.4	3.7 3.4
4	13	0.00	TTL VAP	566,230 411,936	42,834 28,370	25,802 15,430	68,287 43,598	491,821 364,133	6,122 4,205	7.6 6.9	4.6 3.7	12.1 10.6	86.9 88.4	1.1 1.0
5	109	0.02	TTL VAP	566,326 415,983	97,502 66,827	89,861 62,815	135,331 128,341	360,437 280,038	10,558 7,204	17.2 16.1	17.7 15.1	34.5 30.9	63.5 67.4	1.9 1.7
6	0	0.00	TTL VAP	566,217 411,725	25,030 16,631	30,856 19,992	55,435 36,366	495,220 365,437	14,562 9,902	4.4 4.0	5.4 4.9	9.8 8.8	87.6 89.8	2.6 2.4
7	0	0.00	TTL VAP	566,217 413,237	33,438 21,869	67,393 44,656	99,852 65,889	434,102 325,533	32,263 21,815	5.9 5.3	11.9 10.8	17.6 15.9	76.7 78.8	5.7 5.3
8	0	0.00	TTL VAP	566,217 408,247	29,710 19,357	40,688 26,398	59,974 45,518	483,683 353,623	12,560 9,106	5.2 4.7	7.2 6.5	12.4 11.1	85.4 86.6	2.2 2.2
9	0	0.00	TTL VAP	566,217 410,671	122,712 81,472	53,487 34,767	174,646 115,298	378,532 287,093	13,039 8,580	21.7 19.8	9.4 8.5	30.8 28.1	66.9 69.9	2.3 2.1
10	0	0.00	TTL VAP	566,217 430,433	63,134 43,209	121,148 80,248	182,110 122,163	355,745 293,714	18,362 14,556	11.2 10.0	21.4 16.6	32.2 28.4	64.6 68.2	3.2 3.4
11	0	0.00	TTL VAP	566,217 413,292	90,199 60,221	68,170 42,007	156,267 101,055	399,110 304,249	10,840 7,988	15.9 14.6	12.0 10.2	27.6 24.5	70.5 73.6	1.9 1.9
12	0	0.00	TTL VAP	566,217 412,814	45,426 30,439	92,253 57,013	136,693 86,898	416,474 317,155	13,050 8,761	8.0 7.4	16.3 13.8	24.1 21.1	73.6 76.8	2.3 2.1
13	0	0.00	TTL VAP	566,217 409,477	45,339 29,898	109,968 64,437	154,199 93,771	401,885 308,517	10,133 7,089	8.0 7.3	19.4 15.7	27.2 22.9	71.0 75.4	1.8 1.7
14	0	0.00	TTL VAP	566,217 406,017	60,912 42,611	135,172 83,923	194,313 125,468	365,521 277,113	5,283 3,436	10.8 10.5	23.9 20.7	34.3 30.9	64.7 66.3	0.9 0.8
15	0	0.00	TTL VAP	566,217 369,807	6,484 4,353	419,153 255,619	424,949 259,614	137,913 107,828	3,355 2,365	1.1 1.2	74.0 69.1	75.1 70.2	24.4 29.2	0.6 0.6
16	0	0.00	TTL VAP	566,217 382,985	20,272 13,905	398,364 254,177	417,172 267,379	141,546 110,039	7,499 5,567	3.6 3.6	70.4 66.4	73.7 69.8	25.0 28.7	1.3 1.5
17	0	0.00	TTL VAP	566,217 413,386	19,748 13,210	96,664 58,168	115,813 71,061	445,320 338,843	5,084 3,482	3.5 3.2	17.1 14.1	20.5 17.2	78.6 82.0	0.9 0.8

PARAJOUR
DATA : UNADJUSTED PL94-171
PLANID: PLANC645 092391 20-03-42

PLAN ANALYSIS REPORT'S SYSTEM
PLAN POPULATION ANALYSIS
CONGRESSIONAL DISTRICTS

08/24/91
0:18:18
PAGE 003

DIST	-----DEVIATION-----		-----POPULATION-----					-----% OF POPULATION-----					
	TOTAL	PERCENT	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
18	TTL	0	566,217	287,856	93,547	376,878	170,457	18,882	50.8	16.5	66.6	30.1	2.3
	VAP		412,734	200,505	60,916	258,412	140,641	13,681	48.6	14.8	62.6	34.1	3.3
19	TTL	0	566,217	14,410	110,776	124,688	433,901	7,628	2.5	19.6	22.0	75.6	1.2
	VAP		403,001	8,914	64,338	73,100	324,370	5,331	2.2	15.0	18.1	80.5	1.4
20	TTL	0	566,217	32,629	343,870	374,807	182,219	9,191	5.8	60.7	66.2	32.2	1.6
	VAP		398,984	22,887	223,856	245,785	146,271	6,928	5.7	56.1	61.6	36.7	1.7
21	TTL	0	566,217	13,613	80,307	93,383	465,287	7,547	2.4	14.2	16.5	82.2	1.3
	VAP		421,053	9,166	62,412	61,316	354,282	5,455	2.2	12.4	14.6	84.1	1.3
22	TTL	0	566,217	44,180	90,751	133,543	392,194	40,480	7.8	16.0	23.6	69.3	7.1
	VAP		406,427	30,329	58,257	87,545	291,382	27,300	7.4	14.3	21.5	71.7	6.8
23	TTL	0	566,217	16,484	354,149	369,803	190,341	6,073	2.9	62.5	65.3	33.6	1.1
	VAP		374,947	11,002	218,491	229,044	141,711	4,192	2.9	58.3	61.1	37.8	1.1
24	TTL	0	566,217	108,340	123,540	229,983	320,980	15,254	19.1	21.8	40.6	56.7	2.7
	VAP		396,176	70,792	74,551	144,211	241,224	10,741	17.9	18.8	36.4	60.9	2.7
25	TTL	0	566,217	153,565	36,238	246,277	297,957	21,983	27.1	17.0	43.5	52.6	3.9
	VAP		405,150	101,579	61,147	160,504	228,691	15,955	25.1	15.1	39.6	56.4	3.9
26	TTL	0	566,217	23,879	51,827	74,995	466,816	24,406	4.2	9.2	13.2	82.4	4.3
	VAP		422,747	16,637	34,515	50,848	354,847	17,052	3.9	8.2	12.0	83.9	4.0
27	TTL	0	566,217	13,549	377,696	390,241	171,204	4,672	2.4	66.7	68.9	30.3	0.8
	VAP		380,114	9,077	235,341	243,867	132,958	3,289	2.4	61.9	64.2	35.0	0.9
28	TTL	0	566,217	48,295	341,843	388,487	171,978	5,752	8.5	60.4	68.6	30.4	1.0
	VAP		382,636	33,231	216,159	248,464	130,082	4,090	8.7	56.5	64.9	34.0	1.1
29	TTL	0	566,217	57,774	335,686	389,735	165,016	11,466	10.2	59.2	68.8	29.1	2.0
	VAP		378,787	37,206	204,258	239,219	131,732	7,836	9.8	53.9	63.2	34.8	2.1
30	TTL	0	566,217	283,225	96,732	375,233	177,661	13,323	50.0	17.1	66.3	31.4	2.4
	VAP		407,638	192,049	61,586	250,659	147,315	9,664	47.1	15.1	61.5	36.1	2.4
PLAN TOTALS	TTL		16,986,510	2,021,632	4,339,905	6,316,265	10,291,680	378,565	11.9	25.5	37.2	60.6	2.2
	VAP		12,150,671	1,363,770	2,719,586	4,056,274	7,828,352	266,045	11.2	22.4	33.4	64.4	2.2

The amendment was read.

On motion of Senator Glasgow and by unanimous consent, the amendment was tabled by a viva voce vote.

Senator Lyon offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.H.B. 1 as follows:

PLAN ANALYSIS REPORTS SYSTEM
PLAN POPULATION ANALYSIS
CONGRESSIONAL DISTRICTS

PAR203B
DATA: UNADJUSTED PL94-171
PLANID: PLAN643 082391 19:51:54

TOTAL STATE POPULATION 16,986,510
TOTAL DISTRICTS REQUIRED 30
IDEAL DISTRICT POPULATION 566,217

UNASSIGNED POPULATION
REMAINING DISTRICTS
UNASSIGNED MEAN DEVIATION

0
0

	MEAN (AVERAGE)	SMALLEST POPULATION		LARGEST POPULATION	
		DIST	3	DIST	30
DISTRICT POPULATION	566,217	565,070	566,284		
TOTAL DEVIATION	10	-117	77		
PERCENT DEVIATION	0.00%	-0.03%	0.01%		

PLAN'S RANGE OF DEVIATION: TOTAL = 224 PERCENT = 0.04%

PARLOUR
DATA: UNADJUSTED PL94-171
PLANID: PLANG643 082391 19:51:54

PLAN ANALYSIS REPORTS SYSTEM
PLAN POPULATION ANALYSIS
CONGRESSIONAL DISTRICTS

08/21/91
20:25:02
PAGE 002

DIST	---DEVIATION--- TOTAL PERCENT		POPULATION					% OF POPULATION					
	TOTAL	PERCENT	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER	
1		0 0.00	TTL 566,217	102,542	18,103	120,643	442,106	4,068	18.1	3.2	21.2	78.1	0.7
			VAP 416,598	88,222	11,284	79,138	334,578	2,882	18.4	2.7	19.6	80.3	0.7
2		0 0.00	TTL 566,217	94,184	31,902	125,077	437,045	4,095	16.6	5.6	22.1	77.2	0.7
			VAP 414,265	63,733	20,304	83,347	328,031	2,887	15.4	4.9	20.1	79.2	0.7
3	-147	-0.03	TTL 566,070	25,880	36,051	61,508	483,196	21,366	4.6	6.4	10.9	85.4	3.8
			VAP 419,537	16,987	24,091	40,804	364,225	14,508	4.0	5.7	9.7	86.8	3.5
4		0 0.00	TTL 566,217	47,784	24,806	72,216	488,151	5,850	8.4	4.4	12.8	86.2	1.0
			VAP 413,120	31,893	14,843	46,520	362,593	4,007	7.7	3.6	11.3	87.8	1.0
5		0 0.00	TTL 566,217	92,364	100,946	191,405	363,997	10,815	16.3	17.8	33.8	64.3	1.9
			VAP 414,175	63,309	63,389	125,411	281,373	7,391	15.3	15.3	30.3	67.9	1.8
6		0 0.00	TTL 566,217	25,030	30,856	55,435	496,220	14,562	4.4	5.4	9.8	87.6	2.6
			VAP 411,725	16,631	19,982	36,365	365,457	9,902	4.0	4.8	8.8	88.2	2.4
7		0 0.00	TTL 566,217	33,438	67,393	99,852	434,102	32,263	5.9	11.9	17.6	76.7	5.7
			VAP 413,237	21,869	44,656	65,889	325,533	21,815	5.3	10.8	15.9	78.8	5.3
8		0 0.00	TTL 566,217	29,710	40,688	69,974	483,683	12,960	5.2	7.2	12.4	85.4	2.2
			VAP 408,247	19,357	26,398	45,518	353,623	9,106	4.7	6.5	11.1	86.6	2.2
9		0 0.00	TTL 566,217	122,712	53,487	174,646	378,532	13,039	21.7	9.4	30.8	66.9	2.3
			VAP 410,571	81,472	34,767	115,298	287,093	8,960	19.8	8.5	28.1	69.9	2.1
10		0 0.00	TTL 566,217	63,134	131,148	182,110	365,745	18,362	11.2	21.4	32.2	64.6	3.2
			VAP 430,433	43,209	80,248	122,163	293,714	14,556	10.0	18.6	28.4	68.2	3.4
11		0 0.00	TTL 566,217	90,189	68,170	156,267	399,110	10,840	15.9	12.0	27.6	70.5	1.9
			VAP 413,292	60,221	42,007	101,055	304,249	7,988	14.6	10.2	24.5	73.6	1.8
12		0 0.00	TTL 566,217	45,426	92,252	136,593	416,474	13,050	8.0	16.3	24.1	73.6	2.3
			VAP 412,814	30,439	57,013	86,898	317,155	8,761	7.4	13.8	21.1	76.8	2.1
13		0 0.00	TTL 566,217	45,339	109,968	154,189	401,885	10,133	8.0	19.4	27.2	71.0	1.8
			VAP 409,477	25,898	64,437	93,771	308,617	7,089	7.3	15.7	22.9	75.4	1.7
14		0 0.00	TTL 566,217	60,912	135,172	194,313	366,621	5,283	10.8	23.9	34.3	64.7	0.9
			VAP 406,017	42,611	83,923	125,468	277,113	3,436	10.5	20.7	30.9	68.3	0.8
15		0 0.00	TTL 566,217	6,484	419,153	424,949	137,913	3,355	1.1	74.0	75.1	24.4	0.6
			VAP 369,807	4,353	255,619	259,614	107,828	2,365	1.2	69.1	70.2	29.2	0.6
16		0 0.00	TTL 566,217	20,272	398,394	417,172	141,546	7,489	3.6	70.4	73.7	25.0	1.3
			VAP 382,985	13,905	284,177	267,379	110,039	5,567	3.5	66.4	69.8	28.7	1.5
17		0 0.00	TTL 566,217	19,749	96,664	115,813	445,320	5,084	3.5	17.1	20.5	78.6	0.9
			VAP 413,366	13,210	58,166	71,061	338,843	3,482	3.2	14.1	17.2	82.0	0.8

PLAN ANALYSIS REPORTS SYSTEM
PLAN POPULATION ANALYSIS
CONGRESSIONAL DISTRICTS

DIST	TOTAL	DEVIATION-----		POPULATION-----					% OF POPULATION-----					
		PERCENT		TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
18	TTL	0	0.00	566,217	287,856	93,947	376,803	170,457	18,882	50.8	16.5	66.6	30.1	3.3
	VAP			412,734	200,505	60,916	258,412	140,641	13,681	48.6	14.8	62.6	34.1	3.3
19	TTL	0	0.00	566,217	14,410	110,776	124,688	433,901	7,628	2.5	19.6	22.0	76.6	1.3
	VAP			403,001	8,974	64,338	73,100	334,370	5,531	2.2	16.0	18.1	80.5	1.4
20	TTL	0	0.00	566,217	32,629	343,870	374,807	182,219	9,191	5.8	60.7	66.2	32.2	1.6
	VAP			398,984	22,887	223,856	245,785	146,271	6,928	5.7	56.1	61.6	36.7	1.7
21	TTL	0	0.00	566,217	13,613	80,307	93,383	465,287	5,547	2.4	14.2	16.5	82.2	1.3
	VAP			421,053	9,166	52,412	61,316	354,282	5,455	2.2	12.4	14.6	84.1	1.3
22	TTL	0	0.00	566,217	44,180	90,751	133,543	392,194	40,480	7.8	16.0	23.6	69.3	7.1
	VAP			406,427	30,229	58,257	87,545	291,382	27,500	7.4	14.3	21.5	71.7	6.8
23	TTL	0	0.00	566,217	16,484	354,149	369,803	190,341	6,073	2.9	62.5	65.2	33.6	1.1
	VAP			374,947	11,002	218,491	229,043	141,711	4,192	2.9	58.3	61.1	37.8	1.1
24	TTL	0	0.00	566,217	108,310	123,540	229,983	320,980	15,254	19.1	21.8	40.6	56.7	2.7
	VAP			386,176	76,702	74,551	144,211	241,224	10,741	17.9	18.8	36.4	60.9	2.7
25	TTL	0	0.00	566,217	131,545	96,204	226,277	297,957	21,983	27.1	17.0	43.5	52.6	3.9
	VAP			401,840	101,374	111,374	160,504	228,691	15,955	25.1	15.1	38.6	56.4	3.9
26	TTL	70	0.01	566,287	33,481	52,029	75,005	467,795	23,487	4.1	9.2	13.2	82.6	4.1
	VAP			422,916	16,442	31,560	50,702	355,723	16,491	3.9	8.2	12.0	84.1	3.9
27	TTL	0	0.00	566,217	13,549	377,696	390,241	171,304	4,672	2.4	66.7	68.9	30.3	0.8
	VAP			380,114	9,077	235,341	243,867	132,958	3,289	2.4	61.9	64.2	35.0	0.9
28	TTL	0	0.00	566,217	48,295	341,843	388,487	171,978	5,752	8.5	60.4	68.6	30.4	1.0
	VAP			382,636	33,231	216,159	248,464	130,082	4,090	8.7	56.5	64.9	34.0	1.1
29	TTL	0	0.00	566,217	57,774	335,686	389,735	165,016	11,466	10.2	59.3	68.8	29.1	2.0
	VAP			378,787	37,206	204,258	239,218	131,732	7,836	9.8	53.9	63.2	34.8	2.1
30	TTL	77	0.01	566,294	282,097	94,347	371,763	180,605	13,926	49.8	16.7	65.6	31.9	2.5
	VAP			407,660	191,361	59,984	248,405	149,221	10,034	46.9	14.7	60.9	36.6	2.5
PLAN TOTALS	TTL			16,986,510	2,021,632	4,339,905	6,316,265	10,291,680	378,565	11.9	25.5	37.2	60.6	2.2
	VAP			12,150,671	1,363,770	2,719,586	4,056,274	7,828,352	266,045	11.2	22.4	33.4	64.4	2.2

PLANNED MULTIMILLION DOLLAR
PLAN POPULATION ANALYSIS WITH COUNTY SUBTOTALS
CONGRESSIONAL DISTRICTS

21

-----COUNTY-----		POPULATION				% OF POPULATION					
TOTAL		BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DISTRICT 001 TOTALS											
DISTRICT 001 TOTALS	566,217	102,542	18,103	120,643	442,106	4,068	18.1	3.2	21.2	78.1	0.7
BOWIE	81,659	17,798	1,334	19,031	61,564	670	21.8	1.6	23.3	75.9	0.8
CAMP	9,904	2,360	373	2,733	7,015	39	23.8	5.1	28.8	70.8	0.4
CASS	29,983	6,057	373	6,383	23,484	125	20.2	1.2	21.3	78.3	0.4
DELTA	4,857	404	57	467	4,344	46	8.3	1.4	9.6	89.4	0.9
FRANKLIN	7,802	349	357	706	7,044	56	4.5	4.6	9.0	90.2	0.7
DISTRICT 002 TOTALS											
DISTRICT 002 TOTALS	566,217	94,184	31,902	125,077	437,045	4,095	16.6	5.6	22.1	77.2	0.7
ANGELINA	69,884	10,731	6,072	16,623	52,777	484	15.4	8.7	23.8	75.5	0.7
CHEROKEE	41,020	6,926	2,697	9,623	31,180	280	16.9	6.6	23.3	76.0	0.7
CRIMES	4,828	4,614	2,657	7,209	11,554	65	24.5	14.1	38.3	61.4	0.3
HARDIN	41,320	3,485	679	4,138	37,006	176	6.4	1.6	10.0	89.6	0.4
HOUSTON	21,375	6,326	965	7,237	14,042	96	29.6	4.5	33.9	65.7	0.4
JASPER	31,102	5,868	594	6,446	24,329	127	18.9	1.9	20.7	78.9	0.4
LIBERTY	52,726	6,911	2,880	9,701	42,699	326	13.1	5.5	18.4	81.0	0.6
MONTGOMERY	18,722	3,815	3,877	7,651	10,871	200	20.4	20.7	40.9	58.1	1.1
NACOGDOCHES	10,543	5,189	617	5,781	4,717	45	49.3	5.9	54.8	44.7	0.4
NEUTON	13,569	3,039	153	3,180	10,329	60	22.4	1.1	23.4	76.1	0.4
ORANGE	80,309	6,768	1,933	8,667	71,142	700	8.4	2.4	10.8	88.4	0.9
POLK	30,687	3,966	1,810	5,458	24,531	598	12.7	5.2	17.8	79.9	2.3
SABINE	9,886	1,117	111	1,220	8,329	27	13.7	1.2	12.7	87.0	0.3
SAN AUGUSTINE	7,959	2,244	138	2,374	5,607	18	28.1	1.7	29.7	70.1	0.2
SAN JACINTO	16,372	2,544	431	2,985	13,319	88	15.5	2.6	18.1	81.4	0.5
SHELBY	22,034	4,727	539	5,249	16,719	66	21.5	2.4	23.8	75.9	0.3
SMITH	11,932	1,117	7	8	917	8	0.1	0.8	0.9	98.3	0.9
TRINITY	16,442	1,645	272	1,914	9,485	46	14.4	2.4	16.7	82.9	0.4
TYLER	16,646	1,994	177	2,163	14,426	57	12.0	1.1	13.0	86.7	0.3
WALKER	50,917	12,334	5,493	17,543	32,856	518	24.2	10.8	34.5	64.5	1.0
DISTRICT 003 TOTALS											
DISTRICT 003 TOTALS	566,070	25,860	36,051	61,508	483,196	21,366	4.6	6.4	10.9	85.4	3.8

TEXAS REDISTRICTING SYSTEM
PLAN POPULATION ANALYSIS WITH COUNTY SUBTOTALS
CONGRESSIONAL DISTRICTS

-----COUNTY-----		-----POPULATION-----				-----% OF POPULATION-----			
		TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP
DISTRICT 003 - CONTINUED									
COLLIN		148,833	5,818	8,135	14,851	128,187	5,815	3.9	5.1
DALLAS		417,237	20,062	26,916	46,857	355,028	15,551	4.8	6.5
DISTRICT 004 TOTALS		566,217	47,784	24,806	72,216	488,151	5,890	8.4	4.4
CHEROKEE		29	5	0	5	21	3	17.2	0.0
COLLIN		41,156	3,229	4,628	7,784	33,030	342	7.8	11.2
COOKE		29,831	1,169	1,355	2,506	26,966	349	3.9	4.5
DALLAS		15,031	800	1,084	1,882	12,764	385	5.3	7.3
DENTON		35,092	1,228	2,007	3,216	31,412	464	3.5	5.7
FANNIN		24,804	1,633	485	2,108	22,456	230	6.6	2.0
GRAYSON		95,021	6,565	2,795	9,306	84,271	1,444	6.9	2.9
GREGG		70,611	10,371	2,237	12,560	57,402	649	14.7	3.2
HUNT		29,178	1,278	1,131	2,392	26,563	223	4.4	3.9
KAUFMAN		44,728	6,854	3,063	9,959	34,589	370	15.5	6.8
RAINS		6,715	286	158	442	6,234	39	4.3	2.4
ROCKWALL		25,604	855	1,500	2,351	22,981	272	3.3	5.9
SMITH		110,483	11,960	2,838	14,739	94,856	888	10.8	2.6
VAN ZANDT		37,944	1,451	1,515	2,966	34,786	192	3.8	4.0
DISTRICT 005 TOTALS		566,217	92,564	100,918	191,435	361,797	15,667	16.1	17.8
ANDERSON		18,024	11,143	3,953	15,041	32,469	315	29.2	8.2
BRAZOS		20,495	7,507	7,095	14,476	5,561	108	36.6	34.6
DALLAS		315,899	32,589	75,445	107,558	198,960	9,381	10.6	23.9
FREESTONE		15,818	3,013	619	3,618	12,121	76	19.0	3.9
HENDERSON		58,543	4,755	2,368	7,095	51,135	313	8.1	4.0
KAUFMAN		7,492	341	277	614	6,826	52	4.6	3.7
LEON		12,665	1,615	509	2,140	10,509	126	12.8	4.0
LIMESTONE		20,346	1,166	1,459	2,556	17,725	121	19.8	7.0
MADISON		10,311	2,535	1,478	3,755	7,129	79	23.6	10.8
ROBERTSON		15,511	4,259	1,904	6,101	9,373	37	27.5	12.3
SMITH		39,893	19,611	6,141	25,528	14,080	285	49.2	15.4
DISTRICT 006 TOTALS		566,217	25,030	30,856	55,435	486,220	14,562	4.4	5.4
DALLAS		13,742	366	749	1,105	12,092	545	2.7	5.5
ELLIS		27,954	940	2,115	3,032	24,682	240	3.4	7.6
JOHNSON		30,145	345	2,009	2,349	27,453	343	1.1	6.7
PARKER		16,436	71	625	690	15,591	155	0.4	3.8
TARRANT		477,940	23,308	25,358	48,258	416,402	13,279	4.9	5.3
DISTRICT 007 TOTALS		566,217	33,438	67,393	99,892	434,102	32,263	5.9	11.9

TEXAS REDISTRICTING SYSTEM
PLAN POPULATION ANALYSIS WITH COUNTY SUBTOTALS
CONGRESSIONAL DISTRICTS

-----COUNTY-----		TOTAL		POPULATION		BLK+HISP		ANGLO		OTHER		--% OF POPULATION--				
		BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DISTRICT 007 - CONTINUED																
FORT BEND		73		5			11		60		2		8.2	6.8	15.1	82.2
HARRIS		566,144	33,432	67,388	99,841	434,042					32,261		5.9	11.9	17.6	76.7
DISTRICT 008 TOTALS																
AUSTIN		566,217	28,710	40,668	69,974	483,683					12,560		5.2	7.2	12.4	85.4
BRAZOS		15,616	2,030	1,589	3,577	11,977					62		13.0	10.2	22.9	76.7
HARRIS		101,367	9,618	15,696	18,558	81,178					4,493		6.1	9.5	15.5	80.1
MONTGOMERY		258,169	12,081	18,858	30,766	221,322					6,081		4.7	7.3	11.9	85.7
WALLER		163,479	3,948	9,360	13,245	148,565					1,669		2.4	5.7	8.1	90.9
WASHINGTON		1,432	85	105	1,320	1,320					7		1.6	5.9	7.3	92.2
WASHINGTON		26,154	5,463	1,158	6,585	19,321					248		20.9	4.4	25.2	73.9
DISTRICT 009 TOTALS																
CHAMBERS		566,217	122,712	53,487	174,646	378,532					13,039		21.7	9.4	30.8	66.9
GALVESTON		20,088	2,550	1,195	3,735	16,170					183		12.7	5.9	18.6	80.5
HARRIS		78,335	38,134	30,962	68,376	144,852					4,171		17.6	14.2	31.5	66.6
JEFFERSON		238,387	74,412	8,701	16,127	70,177					3,039		8.5	9.7	18.1	78.6
JEFFERSON		238,387	74,412	12,529	86,408	147,333					5,655		31.1	5.3	36.1	61.5
DISTRICT 010 TOTALS																
TRAVIS		566,217	63,134	121,148	182,110	365,745					18,362		11.2	21.4	32.2	64.6
TRAVIS		566,217	63,134	121,148	182,110	365,745					18,362		11.2	21.4	32.2	64.6
DISTRICT 011 TOTALS																
BELL		191,088	38,095	24,995	59,973	124,908					6,208		18.9	13.1	31.4	55.4
BOSQUE		15,125	319	1,430	1,742	13,320					708		2.1	9.5	11.5	88.1
BURNET		12,280	123	1,196	1,314	10,861					75		1.0	9.8	10.7	88.7
CORVELL		64,213	13,592	6,243	19,536	42,681					1,896		21.2	9.7	30.4	56.5
FALLS		17,712	4,810	2,072	6,804	10,843					65		27.2	11.7	38.4	61.2
HAMILTON		7,733	2	403	405	7,284					44		0.0	5.2	5.2	94.2
HILL		27,146	2,520	2,320	4,732	22,310					114		9.3	8.2	17.4	82.2
LAMPASAS		13,521	268	1,753	1,994	11,321					206		2.0	13.0	14.7	83.7
MCLENNAN		189,123	28,520	6,243	52,679	134,507					1,937		15.6	12.5	27.9	71.1
MILAM		22,946	2,940	3,456	6,340	16,528					78		12.8	15.1	27.6	72.0
SOMERVELL		5,360	10	749	759	4,547					54		0.2	14.0	14.2	84.8
DISTRICT 012 TOTALS																
JOHNSON		566,217	45,426	92,253	136,693	416,474					13,050		8.0	16.3	24.1	73.6
PARKER		67,020	2,176	5,448	7,557	58,981					482		3.2	8.1	11.3	88.0
TARRANT		450,848	42,732	8,773	126,558	312,134					12,155		9.5	18.8	28.1	69.2

-----COUNTY-----		-----POPULATION-----					-----X OF POPULATION-----				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	BLK+HISP	ANGLO	OTHER
DISTRICT 013 TOTALS	566,217	45,339	109,968	154,199	401,885	10,133	8.0	19.4	27.2	21.0	1.8
ARCHER	7,973	11	189	200	7,733	10	0.1	2.7	2.7	97.0	0.2
ARMSTRONG	2,021	0	55	55	1,951	15	0.0	2.7	2.7	96.5	0.7
BAYLOR	4,385	180	334	514	3,848	23	4.1	7.6	11.7	87.9	0.5
BRISCOE	1,871	58	367	435	1,352	24	3.1	19.5	22.1	77.7	0.2
CARSON	6,576	11	354	365	6,188	53	0.2	5.4	5.6	93.6	0.8
CASTRO	9,070	261	4,187	4,446	4,574	50	2.9	45.2	48.0	50.4	0.6
CHILDRESS	5,953	321	853	1,171	4,736	45	5.4	14.3	19.7	79.6	0.8
CLAY	10,024	33	242	275	9,642	107	0.3	2.4	2.7	96.2	1.1
COLLINGSWORTH	3,573	230	561	788	2,750	35	6.4	15.7	22.1	77.0	1.0
COOKE	956	0	53	53	898	5	0.0	5.5	5.5	93.9	0.5
COTTLE	2,247	199	367	563	1,676	6	8.9	16.3	25.1	74.6	0.4
CROSBY	7,304	321	3,111	3,408	3,869	27	4.4	42.6	46.7	53.0	0.4
DENTON	43,037	4,940	4,718	9,563	31,870	1,604	11.5	11.0	22.2	74.1	3.7
DICKENS	2,571	113	479	590	1,964	17	4.4	18.6	22.9	76.4	0.7
DONLEY	3,696	127	139	266	3,415	15	3.4	3.8	7.2	92.4	0.4
FLOYD	8,497	320	3,361	3,694	4,759	44	3.8	39.8	43.5	56.0	0.5
FOARD	1,794	88	233	306	1,478	10	4.9	13.0	17.1	82.4	0.6
GARZA	5,143	328	1,454	1,760	3,354	29	6.4	28.3	34.2	65.2	0.6
GRAY	23,867	899	1,895	2,777	20,841	349	3.8	7.9	11.6	87.0	1.5
HALE	34,671	1,852	14,428	16,194	18,181	296	5.3	41.6	46.7	52.4	0.9
HALL	3,905	303	727	1,028	2,850	27	7.8	18.6	26.3	73.0	0.7
HARDENMAN	5,283	321	589	907	4,331	45	6.1	11.1	17.2	82.0	0.9
HEMPHILL	3,720	7	112	419	3,275	26	0.2	1.1	11.3	88.0	0.7
MCHINSON	25,589	677	2,503	3,170	22,098	421	2.6	9.8	12.3	86.0	1.6
KING	354	0	53	53	301	0	0.0	15.0	15.0	85.0	0.0
KNOX	4,837	338	1,088	1,423	3,396	18	7.0	22.5	29.4	70.2	0.4
LAMB	15,072	822	5,509	6,302	8,700	58	5.3	36.6	41.6	57.7	0.5
LIPSCOMB	3,143	1	379	380	2,723	40	0.0	12.1	12.1	86.6	1.2
LUBBOCK	42,811	10,535	22,803	33,143	9,368	300	24.6	53.4	77.4	21.9	0.7
LYNN	6,758	223	2,819	3,041	3,683	34	3.3	41.7	45.0	54.5	0.5
MONTAGUE	17,274	5	548	552	16,632	90	0.0	3.2	3.2	96.3	0.5
MOTLEY	1,532	68	136	204	1,319	9	4.4	8.9	13.3	86.3	0.5
POTTER	97,874	8,673	19,246	27,706	66,877	3,291	8.9	19.7	28.3	68.3	3.4
ROBERTS	1,029	0	34	34	988	3	0.0	3.3	3.3	96.3	0.3
SWISHER	8,133	340	2,496	2,828	5,254	51	4.2	30.7	34.8	64.6	0.6
WHEELER	5,879	154	378	523	5,297	59	2.6	6.4	8.9	90.1	1.0
WICHITA	122,378	11,221	10,555	21,541	98,127	2,710	9.2	8.6	17.6	80.2	2.2
WILBARGER	15,121	1,349	2,185	3,521	11,437	163	8.9	14.5	23.3	75.6	1.1
DISTRICT 014 TOTALS	566,217	60,912	135,172	194,313	366,621	5,283	10.8	23.9	34.3	64.7	0.9
ARANSAS	17,892	319	3,588	3,889	13,306	697	1.8	20.1	21.7	74.4	3.9
AUSTIN	4,216	378	484	860	3,148	16	13.7	11.5	25.0	74.7	0.4
BASTROP	38,263	4,512	6,933	11,284	26,665	314	11.8	18.1	29.5	69.7	0.8
BRAZORIA	56,740	7,264	11,450	18,513	37,816	411	12.8	20.2	32.5	66.6	0.7

-----COUNTY-----		-----POPULATION-----				-----% OF POPULATION-----			
		TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP
DISTRICT 014 - CONTINUED									
BURLESON	13,625	2,430	1,624	4,016	9,543	66	17.8	11.9	29.5
CALDWELL	26,392	2,823	9,988	12,663	13,547	182	10.7	37.8	48.0
CALHOUN	19,053	556	6,883	7,435	11,021	597	2.9	36.2	39.0
COLORADO	18,383	3,118	2,833	5,893	12,437	53	17.0	15.4	32.1
FAYETTE	20,095	1,686	1,702	3,384	16,678	50	8.4	8.5	16.7
GONZALES	17,205	1,716	6,142	7,723	9,398	84	10.0	35.7	44.9
HAYS	65,614	2,220	18,249	20,340	44,661	613	3.4	27.8	31.0
JACKSON	13,039	1,216	2,772	3,987	9,047	25	9.3	21.3	30.4
LAVACA	18,690	1,342	1,596	2,912	16,716	62	7.2	8.5	15.6
LEE	12,854	1,780	1,410	3,162	9,690	42	13.6	11.0	24.6
MATAGORDA	26,928	5,106	9,088	14,118	21,878	932	13.8	24.5	38.2
REFUGIO	9,976	3,645	3,164	3,772	4,181	12	1.9	37.4	42.3
VICTORIA	74,361	4,906	25,372	30,010	43,835	518	6.6	34.1	40.4
WALLER	21,958	8,773	2,507	11,225	10,836	97	40.0	11.4	51.1
WHARTON	39,955	6,308	10,103	16,369	23,501	185	15.8	25.3	40.7
WILLIAMSON	42,978	3,610	9,274	12,706	29,957	315	8.4	21.6	29.6
DISTRICT 015 TOTALS	566,217	6,484	419,153	421,419	137,913	7,359	1.1	71.0	29.1
BEE	25,135	727	12,009	13,736	13,211	67	2.9	51.1	11.1
BROOKS	8,204	3	7,308	7,309	824	10	0.0	89.1	49.5
DE WITT	18,840	2,114	4,567	6,681	12,264	52	11.2	24.2	34.6
GOLIAD	5,980	407	2,145	2,532	3,470	28	6.8	35.9	12.3
HIDALGO	383,545	806	326,972	327,490	54,259	1,796	0.2	85.2	85.4
JIM WELLS	10,266	43	4,995	5,033	5,185	48	0.4	48.7	49.0
KARNES	12,455	362	5,916	6,259	6,136	60	2.9	47.5	50.3
KLEBERG	30,104	998	18,378	19,333	10,261	510	3.3	61.0	64.2
LIVE OAK	9,856	10	3,324	3,327	6,158	71	0.1	34.8	34.8
SAN PATRICIO	58,749	968	29,809	30,672	27,669	408	1.6	50.7	52.2
WILLACY	3,383	46	2,800	2,841	525	17	1.4	82.8	84.0
DISTRICT 016 TOTALS	566,217	20,272	398,384	417,172	141,546	7,499	3.6	70.4	73.7
EL PASO	566,217	20,272	398,384	417,172	141,546	7,499	3.6	70.4	73.7
DISTRICT 017 TOTALS	566,217	19,749	96,664	115,813	445,320	5,084	3.5	17.1	20.5
BORLEN	799	2	120	130	659	10	0.3	15.0	15.0
BROWN	34,371	1,552	3,789	5,329	28,814	228	4.5	11.1	15.5
CALLAHAN	11,859	2	1,789	1,791	1,784	25	0.0	4.1	4.1
COMBES	3,424	6	422	426	2,997	2	2.2	12.3	12.4
COLEMAN	9,710	246	1,139	1,383	8,288	33	2.5	11.7	14.2
COMANCHE	13,381	16	2,205	2,215	11,109	57	0.1	16.5	16.6
DISTRICT 018 TOTALS	566,217	16	2,205	2,215	11,109	57	0.1	16.5	16.6

-----COUNTY-----		-----POPULATION-----				-----% OF POPULATION-----			
		TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP
DISTRICT 017 - CONTINUED									
CONCHO	3,044	16	1,194	1,208	1,827	9	0.5	39.2	39.7
DAWSON	14,349	622	6,120	6,728	7,569	52	4.3	42.7	46.9
EASTLAND	18,488	397	1,404	1,799	16,605	84	2.1	7.6	8.7
ERATH	27,991	195	2,458	2,650	25,123	218	0.7	8.8	9.5
FISHER	4,842	190	997	1,193	3,652	7	3.9	20.6	24.4
HASKELL	6,820	244	1,312	1,551	5,229	40	3.6	19.2	22.7
HOOD	28,981	52	1,353	1,405	27,251	325	0.2	4.7	4.8
HOWARD	32,343	1,225	8,607	9,781	22,226	336	3.8	26.6	30.2
JACK	6,981	51	232	283	6,668	30	0.7	3.3	4.1
JONES	16,450	668	2,786	3,437	12,970	81	4.0	16.9	20.8
KENT	1,010	6	170	126	883	1	0.6	11.9	12.5
MCCULLOCH	8,778	166	2,317	2,468	6,289	21	1.9	26.4	28.1
MARTIN	4,956	89	1,960	2,047	2,861	28	1.9	38.5	41.3
MILLS	4,531	10	484	494	4,023	8	0.2	10.7	10.8
MITCHELL	8,016	363	2,389	2,751	5,241	24	4.5	29.8	34.3
NOLAN	16,594	775	4,246	4,978	11,524	92	4.7	25.6	30.0
PAID PINTO	25,565	792	2,701	2,884	21,767	264	3.2	23.2	25.3
ROBERTS	11,984	183	2,740	2,921	8,340	93	1.6	24.3	25.0
SAN SABA	5,401	14	898	1,011	4,373	17	0.3	18.5	18.7
SCURRY	18,634	879	4,454	5,220	13,214	100	4.7	23.9	28.5
SHACKELFORD	3,316	12	272	284	3,016	16	0.4	8.2	8.6
STEPHENS	9,010	252	767	1,001	7,950	59	2.8	8.5	11.1
STONEWALL	2,013	89	237	325	1,677	11	4.4	11.8	16.1
TAYLOR	119,555	7,547	17,511	24,847	92,955	1,853	6.3	14.6	20.6
THROCKMORTON	1,880	0	136	136	1,732	12	0.0	7.2	7.2
TOM GREEN	39,396	2,432	17,268	19,557	19,306	533	6.2	43.8	49.6
WISE	34,679	350	2,663	3,050	31,340	289	1.1	7.7	8.8
YOUNG	18,126	268	1,164	1,424	16,597	105	1.5	6.4	7.9
DISTRICT 018 TOTALS	566,217	287,856	93,547	376,878	170,457	18,882	50.8	16.5	66.6
HARRIS	566,217	287,856	93,547	376,878	170,457	18,882	50.8	16.5	66.6
DISTRICT 019 TOTALS	566,217	14,410	110,776	124,688	433,901	7,628	2.5	19.6	22.0
ANDREWS	14,338	274	4,552	4,811	9,281	246	1.9	31.7	33.6
BAILEY	7,064	124	2,740	2,857	4,184	23	1.8	38.8	40.4
COCHRAN	4,377	234	1,857	2,087	2,275	15	5.3	42.4	47.7
DALLAM	5,461	112	1,151	1,253	4,157	51	2.1	21.1	22.9
DEAF SMITH	19,153	307	9,356	9,643	5,417	93	1.6	48.8	50.3
ECTOR	84,590	1,880	16,129	17,940	65,612	1,038	2.2	19.1	21.2
GAINES	14,123	334	4,608	4,932	9,096	95	2.4	32.6	34.9
HANSFORD	5,848	0	1,174	1,174	4,658	37	0.0	20.0	20.1
HARTLEY	3,634	9	201	210	3,388	36	0.2	5.5	5.8

COUNTY		POPULATION				% OF POPULATION					
TOTAL		BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	BLK+H	ANGLO	OTHER
DISTRICT 019 - CONTINUED											
HOCKLEY	24,199	1,023	7,654	8,651	15,410	138	4.2	31.6	35.7	63.7	0.6
LUBBOCK	179,825	6,619	28,106	34,514	142,046	3,285	3.7	15.6	19.2	79.0	1.8
MIDLAND	48,926	1,611	6,535	8,081	41,104	751	3.2	13.1	16.2	82.3	1.5
MOORE	17,865	95	5,693	5,772	11,707	366	0.5	31.9	32.3	65.5	2.2
OCHILTREE	9,128	2	1,641	1,643	7,373	112	0.0	18.0	18.0	80.8	1.2
OLDHAM	2,278	9	200	209	2,020	49	0.4	8.8	9.2	88.7	2.2
PARNER	9,853	123	4,086	4,209	5,600	54	1.2	41.5	42.7	56.8	0.5
RANDALL	89,670	1,115	6,144	7,229	81,364	1,083	1.2	6.9	8.1	90.7	1.2
SHERMAN	2,858	4	538	542	2,302	14	0.1	18.8	19.0	80.5	0.8
TERRY	13,218	449	5,194	5,632	7,486	100	3.4	39.3	42.6	56.6	0.5
YOAKUM	8,786	86	3,217	3,302	5,442	42	1.0	36.6	37.6	61.9	0.5
DISTRICT 020 TOTALS											
566,217		32,629	343,870	374,807	182,219	9,191	5.8	60.7	66.2	32.2	1.6
566,217		32,629	343,870	374,807	182,219	9,191	5.8	60.7	66.2	32.2	1.6
DISTRICT 021 TOTALS											
566,217		13,613	80,307	93,383	465,287	7,547	2.4	14.2	16.5	82.2	1.3
BANDERA	10,562	23	1,172	1,195	9,276	91	0.2	11.1	11.3	87.8	0.9
BEXAR	165,040	5,403	26,610	31,810	130,397	2,801	3.3	16.1	19.3	73.5	1.2
BLanco	5,972	56	830	886	5,036	41	0.9	14.1	15.2	84.1	1.2
BURNET	10,427	146	1,234	1,381	8,991	211	1.4	11.9	13.2	85.1	1.2
COMAL	38,679	185	3,511	3,696	34,134	224	0.5	10.2	10.6	88.8	0.6
GILLESPIE	17,204	34	2,426	2,455	14,676	73	0.2	14.1	14.3	85.3	0.4
GLASSCOCK	1,447	0	424	424	1,018	5	0.0	29.3	29.3	70.4	0.3
GUADALUPE	38,816	1,161	7,958	9,072	29,272	374	3.0	20.5	23.4	75.4	1.2
IRION	1,629	2	385	387	1,240	2	0.1	23.6	23.8	76.1	0.1
KENDALL	14,589	58	2,392	2,441	12,052	96	0.4	16.4	16.7	82.6	0.7
KERR	36,304	805	5,894	6,746	29,303	255	2.2	16.5	18.6	80.7	0.7
KIMBLE	4,122	2	772	774	3,330	18	0.0	18.7	18.8	80.8	0.4
LLANO	11,631	22	453	475	11,098	58	0.2	3.9	4.1	95.4	0.5
MASON	3,423	6	671	677	2,734	12	0.2	19.6	19.8	79.9	0.4
MENARD	2,252	7	726	733	1,511	8	0.3	32.2	32.5	67.1	0.4
MIDLAND	31,453	682	2,760	3,431	27,639	383	2.2	8.8	10.9	87.9	1.2
REAL	2,412	0	574	574	1,814	24	0.0	23.8	23.8	75.2	1.0
SCHLEICHER	2,990	27	1,062	1,086	1,898	6	0.9	35.5	36.3	63.5	0.2
STERLING	1,438	0	366	366	1,067	5	0.0	25.5	25.5	74.2	0.3
TOM GREEN	59,062	1,704	8,233	9,899	48,336	827	2.9	13.9	16.8	81.8	1.4
TRAVIS	10,190	39	541	577	9,534	79	0.4	5.3	5.7	93.6	0.8
WILLIAMSON	96,573	3,251	10,730	13,835	80,767	1,971	3.4	11.1	14.3	83.6	2.0
DISTRICT 022 TOTALS											
566,217		44,180	90,751	133,543	392,194	40,480	7.8	16.0	23.6	69.3	7.1

TEXAS REDISTRICTING SYSTEM
PLAN POPULATION ANALYSIS WITH COUNTY SUBTOTALS
CONGRESSIONAL DISTRICTS

-----COUNTY-----	TOTAL	POPULATION			POPULATION			% OF POPULATION			-----		
		BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER	BLACK	HISP
DISTRICT 022 - CONTINUED													
BRAZORIA	134,957	8,717	22,247	30,709	101,867	2,391	6.5	16.6	22.8	75.5	1.8		
FORT BEND	177,256	17,263	34,524	51,787	113,381	13,031	9.7	19.5	29.0	63.7	7.3		
HARRIS	253,324	18,200	33,711	51,910	176,946	25,068	7.2	13.3	20.3	69.8	8.9		
DISTRICT 023 TOTALS	566,217	16,484	354,149	369,603	180,341	6,073	2.9	62.5	65.3	33.6	1.1		
BEZAR	95,091	1,940	19,331	21,199	71,866	2,026	2.0	20.3	22.3	75.6	2.1		
BREWSTER	8,681	85	3,702	3,779	4,833	69	1.0	42.6	43.5	55.7	0.8		
CRANE	4,652	130	1,577	1,705	2,920	27	2.8	33.9	36.7	62.8	0.6		
CROCKETT	4,078	39	2,021	2,052	2,016	10	1.0	49.6	50.3	49.4	0.2		
CULBERSON	3,407	2	2,419	2,421	950	36	0.1	71.0	71.1	27.9	1.1		
DIMMIT	10,433	60	8,688	8,738	1,655	40	0.6	83.3	83.8	15.3	0.4		
ECTOR	34,344	3,677	21,186	24,766	9,210	368	10.7	61.7	72.1	26.8	1.1		
EDWARDS	2,266	0	1,182	1,182	1,076	8	0.0	52.2	52.2	47.5	0.4		
EL PASO	25,393	1,838	13,235	14,972	9,767	654	7.2	52.1	59.0	38.5	2.6		
HUDSPETH	2,915	15	1,935	1,944	956	15	0.5	66.4	66.7	32.8	0.5		
JEFF DAVIS	1,946	7	770	776	1,154	16	0.4	39.6	39.9	59.3	0.8		
KINNEY	3,119	57	1,570	1,618	1,463	38	1.8	50.3	51.9	48.9	1.2		
LOVING	107	0	14	14	93	0	0.0	13.1	13.1	86.9	0.0		
MAVERTICK	36,378	32	34,024	34,037	1,571	770	0.1	93.5	93.4	4.3	2.1		
MEDINA	27,312	92	12,134	12,205	14,328	179	0.3	44.4	44.7	54.7	0.7		
MIDLAND	25,222	5,888	13,435	19,284	5,756	182	23.7	53.5	76.5	22.8	0.7		
PECOS	14,675	62	8,331	8,382	6,209	84	0.4	56.8	57.1	42.3	0.6		
PRESDIO	6,637	6	5,417	5,419	1,197	21	0.0	81.6	81.6	18.0	0.0		
REAGAN	4,514	127	1,541	2,048	2,438	7	2.8	33.0	45.4	54.5	0.3		
REEVES	15,852	347	11,545	11,865	3,509	58	2.2	73.8	75.0	24.7	0.4		
SUTTON	4,135	2	1,866	1,867	2,344	24	0.0	45.1	45.2	54.3	0.6		
TERRELL	4,410	1	711	752	2,651	7	0.1	53.3	53.3	46.2	0.3		
UPTON	4,447	94	1,666	1,754	2,666	27	2.1	37.5	39.4	60.0	0.5		
UVALDE	23,247	47	14,104	14,139	9,030	171	0.2	60.4	60.6	38.7	0.7		
VAL VERDE	38,721	757	27,289	27,979	10,418	324	2.0	70.5	72.3	26.9	0.8		
WARD	13,115	457	4,830	5,262	7,728	125	3.5	36.8	40.1	58.9	1.0		
WEBB	133,239	156	125,069	125,137	7,427	675	0.1	93.9	93.9	5.6	0.1		
WINKLER	8,626	167	3,172	3,327	5,236	63	1.9	36.8	38.6	60.7	0.7		
ZAVALA	12,162	296	10,875	11,159	954	49	2.4	89.4	91.8	7.8	0.1		
DISTRICT 024 TOTALS	566,217	108,340	123,540	229,983	320,980	15,294	19.1	21.8	40.6	56.7	2.1		
DALLAS	233,888	19,735	82,512	101,583	126,970	5,335	8.4	35.3	43.4	54.3	2.3		
ELLIS	57,213	7,565	9,128	16,618	40,213	382	13.3	16.0	29.0	70.3	0.7		
NAVARRO	39,926	7,574	2,891	10,414	29,120	392	19.0	7.2	26.1	72.9	1.0		
TARRANT	235,190	73,446	29,009	101,368	124,677	9,145	31.2	12.3	43.1	53.0	3.9		
DISTRICT 025 TOTALS	566,217	153,565	96,238	246,277	297,957	21,983	27.1	17.0	43.5	52.6	3.9		

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TEXAS REDISTRICTING SYSTEM
PLAN POPULATION ANALYSIS WITH COUNTY SUBTOTALS
CONGRESSIONAL DISTRICTS

08/27/91
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PAGE 9

-----COUNTRY-----		-----POPULATION-----				-----X OF POPULATION-----			
		TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP
DISTRICT 025 - CONTINUED									
DISTRICT 025 TOTALS		47,422	28,324	9,194	38,035	7,804	1,583	61.8	19.4
FORT BEND		516,785	124,241	87,044	208,242	280,153	20,400	23.9	16.6
HARRIS								40.1	55.9
DISTRICT 026 TOTALS									
DISTRICT 026 TOTALS		566,287	23,481	52,028	75,006	487,795	23,487	4.1	9.2
COLLIN								13.2	82.6
DALLAS		74,047	1,878	4,395	6,250	55,457	2,340	2.5	5.9
DENTON		282,668	14,155	35,131	48,945	228,871	14,852	4.8	12.0
TARRANT		195,398	7,401	12,288	19,548	169,603	6,245	3.8	6.3
		4,176	47	215	262	3,864	50	1.1	5.1
DISTRICT 027 TOTALS									
DISTRICT 027 TOTALS		566,217	13,549	377,686	390,241	171,304	4,672	2.4	66.7
CAMERON								68.9	30.3
KENEDY		260,120	825	212,955	213,562	45,354	1,204	0.3	81.9
KLEBERG		460	0	362	362	93	5	0.0	78.7
NUECES		170	0	151	151	18	1	0.0	88.8
WILLACY		281,145	12,691	152,051	163,987	123,716	3,432	4.4	52.2
		14,322	33	12,137	12,169	2,123	30	0.2	84.7
DISTRICT 028 TOTALS									
DISTRICT 028 TOTALS		566,217	48,295	341,843	388,487	171,978	5,752	8.5	60.4
ATASCOSA								68.6	30.4
BEXAR		30,533	143	16,064	16,174	11,194	167	0.5	52.6
COMAL		359,046	44,695	199,336	242,630	111,667	1,089	12.1	50.5
DUVAL		13,153	258	7,923	8,100	1,899	88	2.0	60.3
FRIO		12,918	12	11,267	11,275	1,601	42	0.1	87.2
		13,472	183	9,749	9,890	3,509	73	1.4	72.4
DISTRICT 029 TOTALS									
DISTRICT 029 TOTALS		26,055	2,504	11,288	13,625	12,182	248	9.6	43.9
GUADALUPE								52.3	46.8
JIM HOGG		5,105	4	4,659	4,662	424	23	0.1	91.2
JIM WELLS		27,413	175	22,206	22,358	4,907	147	0.6	81.0
LA SALLE		5,254	53	4,068	4,120	1,102	32	1.0	77.4
MCNULTEN		817	0	320	320	493	4	0.0	39.2
DISTRICT 030 TOTALS									
DISTRICT 030 TOTALS		40,518	25	38,390	39,389	1,001	118	0.1	97.2
STARR								97.2	2.5
WILSON		22,650	242	8,354	8,596	14,273	88	1.1	35.6
ZAPATA		9,279	1	7,519	7,520	1,726	33	0.0	81.0
DISTRICT 031 TOTALS									
DISTRICT 031 TOTALS		566,217	57,774	335,686	389,735	165,016	11,466	10.2	59.3
HARRIS								58.8	29.1
DISTRICT 032 TOTALS									
DISTRICT 032 TOTALS		566,217	57,774	335,686	389,735	165,016	11,466	10.2	59.3
DALLAS								65.6	31.9
TARRANT		566,294	282,097	94,317	371,763	180,605	13,926	49.8	16.7
								65.6	32.0
		564,345	280,890	93,783	370,030	180,410	13,905	49.8	16.6
		1,949	1,207	564	1,733	195	21	61.9	28.8

The amendment was read.

On motion of Senator Glasgow and by unanimous consent, the amendment was tabled by a viva voce vote.

The bill was passed to third reading by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Brown, Haley, Harris of Dallas, Harris of Tarrant, Henderson, Krier, Leedom, Ratliff, Sibley, Sims, Turner, and Moncrief asked to be recorded as voting "Nay" on the passage of the bill to third reading.

CONGRESSIONAL REDISTRICTING STATEMENT

Having now had the opportunity to more carefully study Senator Bivins' proposal for congressional redistricting, I want to make the record regarding my strong opposition to his plan, and my disagreement with the claim that it is a plan intended to enhance minority voting strength.

The plan's contorted attempt to create Republican congressional seats in Harris County at the expense of minority voters proves that Bivins' plan not only violates the Voting Rights Act, but it does so in a most blatantly partisan manner. Under the Johnson plan, District 25 is a minority impact district with a high rate of growth in the minority population. In the Bivins plan, the District 25 population goes from 26.9 percent black and 43 percent minority to 12 percent black and 20 percent minority.

Thus, the Bivins plan, for partisan reasons, takes a district in which minorities have a strong voice—one which a number of minority politicians, myself being one of them, might take a run at within this decade—and dilutes that strength without in any way increasing minority representation in Congress. This is clearly a violation of the Voting Rights Act, and I urge my colleagues to oppose it on those grounds.

ELLIS

COMMITTEE SUBSTITUTE HOUSE BILL 1 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.H.B. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Leedom, Lucio, Lyon, Montford, Parker, Ratliff, Rosson, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Brown, Krier, Moncrief, Sibley, Sims.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Johnson, Lucio, Lyon, Montford, Parker, Rosson, Tejeda, Truan, Whitmire, Zaffirini.

Nays: Bivins, Brown, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Moncrief, Ratliff, Sibley, Sims, Turner.

ACKNOWLEDGMENT OF STAFF MEMBERS

The Presiding Officer, Senator Brooks in Chair, expressed thanks and appreciation to the following staff members for their dedication and hard work and

the many long hours and research that were required on H.B. 1: Scott Sutherland, Chairman's Coordinator to the Committee of the Whole on Redistricting; Carl Reynolds, Shannon Noble, Anna Maciel, Chris Sharman, Emily Chick and Lauren Nelson of the Subcommittee on Legislative Districts; Jason Justice, Sandra Coaxun, Lee Nobles and Sara Taubman of the Subcommittee on Congressional Districts; and Debbie Irvine, Karen White, Clare Dyer, Victor Gonzalez, Jeff Archer and Nancy Macken of the Legislative Council.

(President in Chair)

HOUSE BILL 64 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 64, Relating to the appropriation and allocation of bonded construction funds.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **H.B. 64** by adding the appropriately numbered section to read as follows:

SECTION _____. (a) In this section, "General Appropriations Act" means **H.B. 1**, Acts of the 72nd Legislature, 1st Called Session, 1991.

(b) The following provisions apply to the appropriations made by the General Appropriations Act to institutions, agencies, or offices under the jurisdiction of the Texas Board of Health, Texas Board of Mental Health and Mental Retardation, or Texas Youth Commission:

(1) **CLASSIFIED POSITIONS.** (A) The Texas Department of Mental Health and Mental Retardation and the Texas Department of Health are authorized to pay an additional night shift salary differential not to exceed 10 percent of the monthly pay rate to licensed vocational nurses and personnel employed in the subprofessional nursing classifications of the Attendant Series, MHMR Manpower Series, MHMR Psychiatric Security Technician Series and Medical Aide Series who work the 3 p.m. to 11 p.m. or the 11 p.m. to 7 a.m. shift or its equivalent.

(B) Appropriations for salaries of classified positions may be used to pay the wages of hourly workers when the utilization of such personnel is in the best interest of an economical and efficient program.

(C) Any hospital operated by the Texas Department of Health is authorized to pay an additional night shift differential not to exceed 10 percent of the monthly pay rate to other licensed or certified classified personnel not included in Subparagraph (A) of this section who work the evening or night shifts.

(2) **TEACHERS.** (A) Each principal, supervisor, or classroom teacher of children or residents of each state school or home, or patients in an adult education program operated by a state hospital, which are specified in this provision, shall receive as a minimum salary the classroom or exceptional teachers monthly salary rate, plus increments specified in Sections 16.056 and 30.83, Education Code. Those principals, supervisors, or classroom teachers in an adult education program operated by a state hospital to be eligible for these salary rates shall be required to have a provisional or professional certificate issued under Subchapter B, Chapter 13, Education Code.

(B) Salary rates in excess of the minimum amounts specified in Sections 16.056 and 30.83, Education Code, and the salaries of coaches and teachers of exceptional children, may be paid, but such approved rates shall

never exceed the rates of pay for like positions paid in the public schools of the city in which the state school or home is located. Salary rates for principals, supervisors, or classroom teachers in an adult education program operated by a state hospital, in excess of the minimum amounts may be paid, but such rates shall never exceed the rates of pay in the public schools of the city or county in which the state hospital is located. These qualified principals, supervisors, or classroom teachers in an adult education program operated by a state hospital shall receive the monthly salary rate plus increments multiplied by the number of months of service authorized by the hospital. In determining the rate of pay for comparison with like positions in the public schools, the agencies covered by this provision shall include in the comparison longevity paid to persons commencing employment under this section on September 1, 1983, or thereafter.

(3) **SERVICES TO EMPLOYEES.** Out of the appropriations authorized, the respective governing boards covered by this provision may under rules and regulations promulgated by them expend money for the treatment and hospitalization, at the institutions under their direction, of employees injured in the performance of their duties and may reimburse employees in an amount not to exceed \$250 per incident per employee for damage to eyeglasses, hearing aids, false teeth, and other prosthetic devices caused by agency clients.

(4) **EXPENDITURE OF FUNDS FOR STUDENT RAISED LIVESTOCK.** Students at any school or home covered by this provision for which appropriations are made may raise livestock for the purpose of entering said livestock in livestock exhibitions; provided, however, that the institution shall be reimbursed to the appropriation item for which like costs are ordinarily paid, for the expense of raising said livestock.

(5) **FIRE PREVENTION AND SAFETY.** In instances in which regular employees of the institutions are assigned extra duties in fire prevention programs, the following payments are authorized in addition to the salary rates stipulated by the provisions of Article V of the General Appropriations Act relating to the position classifications and assigned salary ranges:

For Fire Chief \$75 per month

For Assistant Fire Chief \$65 per month

For Fire Brigade Members \$50 per month

(c) Rider No. 7 under the Special Provisions Relating Only to the Department of Mental Health and Mental Retardation and the Department of Human Services, Article II, General Appropriations Act (p. II-90), is repealed.

(d) The commissioner of health is authorized to provide emoluments for certain positions provided that the provision of such emoluments is necessary to effectively carry out the job responsibilities of the position.

(e) Notwithstanding Paragraph 12, Section 1, Article V, General Appropriations Act (p. V-31), the designated value of emoluments that are necessary to effectively carry out job responsibilities of a position and that are provided by the Texas Department of Health, Texas Department of Mental Health and Mental Retardation, or the Texas Youth Commission are not deducted from the gross salary rate in determining the net monetary remuneration to which the employee is entitled.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 64 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 64 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 62 ORDERED NOT PRINTED

On motion of Senator Harris of Dallas and by unanimous consent, H.B. 62 was ordered not printed.

HOUSE BILL 62 ON SECOND READING

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business and Senate Rule 7.14 were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 62, Relating to the regulation of insurance, the powers and duties of the Texas Department of Insurance, and maintaining motor vehicle financial responsibility; making an appropriation.

The bill was read second time.

Senator Harris of Dallas offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend H.B. 62 as follows:

(1) On page 26, line 25, after the period, insert "The attorney general is not required to defend any member insurer of the association or its agents or employees, the association or its agents or employees, members of the association's board of directors, a special deputy receiver or its agents or employees with respect to any actions filed regarding the disposition of a claim filed with the guaranty association under this act or to an issue other than the applicability or effect of the immunity created by Subsection (a). The association may contract with the attorney general under the Interagency Cooperation Act, article 4413(32), to provide legal services not covered under this subsection."

(2) On page 48, line 12, after the period, insert "The attorney general is not required to defend any member insurer of the association or its agents or employees, the association or its agents or employees, members of the association's board of directors, a special deputy receiver or its agents or employees with respect to any actions filed regarding the disposition of a claim filed with the guaranty association under this act or to an issue other than the applicability or effect of the immunity created by Subsection (a). The association may contract with the attorney general under the Interagency Cooperation Act, article 4413(32), to provide legal services not covered under this subsection."

(3) On page 116, line 12, after the period, insert "The attorney general is not required to defend any member insurer of the association or its agents or employees, the association or its agents or employees, members of the association's board of directors, a special deputy receiver or its agents or employees with respect to any actions filed regarding the disposition of a claim filed with the guaranty association under this act or to an issue other than the applicability or effect of the immunity created by Subsection (a). The association may contract with the attorney general

under the Interagency Cooperation Act, article 4413(32), to provide legal services not covered under this subsection."

The committee amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend H.B. 62, SECTION 1.20 by adding a new Sec. 23 to read as follows:

Sec. 23. RULES AND REGULATIONS. The State Board of Insurance is authorized and directed to issue such reasonable rules and regulations as may be necessary to carry out the various purposes and provisions of this article, and in augmentation thereof.

Amend H.B. 62, SECTION 1.21 by adding a new Sec. 21 to read as follows:

Sec. 21. RULES AND REGULATIONS. The State Board of Insurance is authorized and directed to issue such reasonable rules and regulations as may be necessary to carry out the various purposes and provisions of this article, and in augmentation thereof.

The committee amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend H.B. 62, Article 2, by adding the following:

SECTION 2.02. Section 2A(2), Article 3.53, Insurance Code, is amended to read as follows:

(2) All life insurance and all accident and health insurance sold in connection with loans or other credit transactions ~~(of less than five (5) years duration)~~, the premium for which is charged to or paid for in whole or in part either directly or indirectly by the debtor, shall be subject to the provisions of this Act, regardless of the nature, type or plan of the credit insurance coverage or premium payment system, except:

(a) insurance issued or sold in connection with a loan or other credit transaction of more than 10 years' duration;

(b) insurance issued or sold in connection with a credit transaction that is:

(i) secured by a first mortgage or deed of trust; and

(ii) made to finance the purchase of commercial real property or the construction of or improvement to a building other than a single family dwelling on the real property if the purchase, construction, or improvement is secured by a lien on the real property, or to refinance a credit transaction made for those purposes; or

(c) insurance issued or sold as [where the issuance of such insurance is] an isolated transaction on the part of the insurer not related to an agreement or a plan for insuring debtors of the creditor.

SECTION 2.03. Section 7, Article 3.53, Insurance Code, is amended by adding Subsection H to read as follows:

H. The department shall charge a fee, in an amount to be determined by the department but not to exceed \$200, for a form or schedule filed under this article. Fees collected shall be deposited in the state treasury to the credit of the department operating fund.

SECTION 2.04. Sections 8(A)(1), (2), and (3), Article 3.53, Insurance Code, are amended to read as follows:

(1) Any insurer may revise its schedules of premium rates for various classes of business from time to time, and shall file such revised schedules and classes of business with the Commissioner. No insurer shall issue any credit life insurance policy or credit accident and health insurance policy for which the premium rate exceeds that determined by the schedules and classes of business of such insurer as then on file with the Commissioner.

(2) The State Board of Insurance may, after notice and hearing, adopt and promulgate a presumptive premium rate for various classes of business and terms of coverage which shall be presumed, subject to a rebuttal of such presumption, to be just, reasonable, adequate, and not excessive. Any hearing conducted pursuant to this section shall be held in accordance with the contested case provisions of the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(3) In determining the presumptive premium rate, the board shall consider [determine] reasonable acquisition costs, loss ratios, and [ratio;] administrative expenses, reserves, loss settlement expenses, the type or class of business, the duration of various credit transactions, reasonable and adequate profits to the insurers, and other relevant data. The board may not set a presumptive premium rate that is unjust, unreasonable, inadequate, confiscatory, or excessive to the insurers, the insureds, or agents. The board may not fix or limit the amount of compensation actually paid by a company to an agent. The board may request information from any insurer or agent with respect to compensation paid for the sale of credit insurance, expenses, losses, profits, and any other relevant data relating to the presumptive premium rate and it is the duty of each insurer or agent to provide such information to the board in a timely manner.

SECTION 2.05. Section 2.02 of this article, amending Section 2A(2), Article 3.53, Insurance Code, applies only to policies delivered, issued for delivery, or renewed on or after June 30, 1992. Policies delivered, issued for delivery, or renewed before June 30, 1992, are governed by the law that existed immediately before the effective date of this article, and that law is continued in effect for that purpose.

SECTION 2.06. Section 2.03 of this article, amending Section 7, Article 3.53, Insurance Code, applies only to fees charged for forms or schedules filed under Article 3.53, Insurance Code, on or after the effective date of this article.

SECTION 2.07. Section 2.04 of this article, amending Section 8(A), Article 3.53, Insurance Code, applies only to board determinations of the presumptive premium rate made on or after the effective date of this article, including any adjustment in the presumptive premium rate made under Section 2.08 of this article. Determinations of the presumptive premium rate made before the effective date of this article are governed by the law as it existed immediately before that effective date, and that law is continued in effect for that purpose.

SECTION 2.08. Not later than June 30, 1992, the Texas Department of Insurance shall conduct a hearing on the presumptive premium rate for credit insurance policies covering transactions of five through 10 years' duration and may adjust the presumptive credit rate for all policies.

The committee amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following committee amendment to the bill:

Committee Amendment No. 4

Amend H.B. 62, SECTION 18.19, Sec. 3(a), page 274, line 18, by changing "may" to "shall".

The committee amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following committee amendment to the bill:

Committee Amendment No. 5

Amend H.B. 62, ARTICLE 19 by adding a new section to read as follows:

SECTION 19.02. Section (k), Article 1.35A, Insurance Code, as added by Chapter 242, Acts of the 72nd Legislature, Regular Session, 1991, is amended read as follows:

(k) The office of public insurance counsel is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished September 1, 1993 [1995].

The committee amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following committee amendment to the bill:

Committee Amendment No. 6

Amend H.B. 62 by adding a new ARTICLE 25 to read as follows and renumber subsequent articles.

Title 117, Revised Statutes, is amended by adding Article 6813g to read as follows:

Art. 6813g. DEDUCTIONS FOR SUPPLEMENTAL BENEFITS FOR STATE EMPLOYEES

Sec. 1. DEFINITIONS. In this article "state agency" means a department, commission, board, office, or other agency of any branch of state government, including an institution of higher education as defined by Section 61.003, Education Code.

Sec. 2. DEDUCTION AUTHORIZED. In addition to deductions for coverage under the Texas Employees Uniform Group Insurance Benefits Act (Article 3.50-2, Vernon's Texas Insurance Code) or other law, an employee of a state agency may authorize in writing a deduction each pay period from the employee's salary or wage payment for coverage of the employee under a supplemental optional benefits program, including a program of permanent life insurance, catastrophic illness insurance, disability insurance, or prepaid legal services, that may be made if the program has been approved by the Employees Retirement System of Texas under Section 3 of this article. The written authorization must direct the comptroller or, if applicable, the appropriate financial officer of an institution of higher education to transfer the withheld funds to the program designated by the employee. The comptroller or financial officer shall comply with the direction.

Sec. 3. ELIGIBLE PROGRAM. The Employees Retirement System of Texas shall designate supplemental benefit programs that are eligible to receive deductions under Section 2 of this article and that promote the interests of the state and state agency employees.

Sec. 4. FORM; DURATION. (a) The payroll deduction must be accomplished in a form and manner prescribed by the comptroller or the appropriate financial officer of an institution of higher education.

(b) The employee or the employee's designee may change or revoke the deduction authorization by delivering written notice of the change or revocation to the comptroller or financial officer, as appropriate. The authorization is effective until the date the comptroller or financial officer receives the notice. The notice

must be given in a form and manner prescribed by the comptroller or financial officer.

Sec. 5. VOLUNTARY PARTICIPATION. Participation by employees in the program authorized by this article is voluntary.

Sec. 6. ADMINISTRATIVE FEE. The state may withhold from the employee's salary or wage payment an administrative fee for making the deduction under this article. The fee may not exceed the actual administrative cost of making the deduction or the highest fee charged by the state for making a similar deduction, whichever amount is less.

The committee amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following committee amendment to the bill:

Committee Amendment No. 7

Amend **H.B. 62** by striking ARTICLE 23 in its entirety and renumbering the subsequent articles.

The committee amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following committee amendment to the bill:

Committee Amendment No. 8

Amend **H.B. 62** by amending Section 1.07 of the bill as follows:

(1) Strike "Section 12, Article 21.28, Insurance Code, as amended by Chapter 242, Acts of the 72nd Legislature, Regular Session, 1991, is amended by amending Subsections (a), (b), and (c) and adding Subsections (h)-(k) to read as follows: "and substitute "Section 12, Article 21.28, Insurance Code, as amended by Chapter 242, Acts of the 72nd Legislature, Regular Session, 1991, is amended by amending Subsections (a), (b), (c), (d) and (e) and adding Subsections (h)-(k) to read as follows:"

(2) Insert the following after Subsection (c):

(d) Audit. The state auditor shall conduct an annual audit of the liquidator in accordance with the audit plan reviewed and approved by the legislative audit committee. ~~[The audit must include a financial audit and an economy and efficiency audit. The auditor shall also conduct a compliance audit or an effectiveness audit.]~~ The audits authorized or required by this Subsection shall be conducted in the manner provided by Chapter 321, Government Code.

(e) Contents of Auditor's Report. The state auditor's report of the audit required by Subsection (d) of this section may ~~must~~ include:

- (1) an analysis of the overall performance of the liquidator;
- (2) an analysis of the liquidator's financial operations and condition;
- (3) an analysis of receipts and expenditures made in connection with each audited receivership and an analysis of the adequacy of the receiver's bond in relation to assets, receipts, and expenditures;
- (4) the amount of funds made available to the liquidator by a guaranty association in connection with each audited receivership and a detail of the purpose and manner of expenditure of such funds;
- (5) the ratio of the total amount of claims paid to the total costs incurred in connection with each audited receivership;
- (6) the ratio of the liquidator's administrative expenses to the total costs incurred in connection with each audited receivership; or
- (7) an analysis of the feasibility of using attorneys who are employees of the liquidator in all litigation.

(3) Strike Subsection (j) and substitute the following:

(j) The Board shall adopt rules prescribing the audit coverage required for the receiver, each special deputy receiver appointed under this section, and each guaranty association established under Article 9.48, 21.28-C, or 21.28-D of this code. Such rules shall include, but not be limited to, provisions relating to the scope, frequency, reporting requirements, and cost of audits, and shall be submitted to the state auditor for review and comment prior to adoption.

(4) Strike Subsection (k) and substitute the following:

(k) The state auditor is authorized to conduct audits, as defined by Sections 321.0131 through 321.0136, Government Code, of the receiver, each special deputy receiver appointed under this section, and each guaranty association established under Article 9.48, 21.28-C, or 21.28-D of this code, as the commissioner or the state auditor determines to be necessary to supplement audits conducted under subsection (j) of this section. Costs associated with any such audit shall be reimbursed to the state auditor by the audited entity.

The committee amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following committee amendment to the bill:

Committee Amendment No. 9

Amend H.B. 62 by deleting the words stricken from section 2.01. on line 21 of page 155: "[~~durational limits, dollar limits,~~]" and the following punctuation mark on line 22: [";"] and substitute the following on line 21 of page 155: "durational limits, dollar limits," and substitute on line 22: " ,".

The committee amendment was read and was adopted by a viva voce vote.

Senator Harris of Dallas offered the following committee amendment to the bill:

Committee Amendment No. 10

Amend H.B. 62 as follows:

On page 155, line 22, add the following language:

An entity under this section may set dollar or durational limits in a policy, contract, plan or arrangement providing benefits under this article which are less favorable than for physical illness generally if such limits are sufficient to provide appropriate care and treatment under the guidelines and standards adopted under subsection (d) of this article.

This section shall not be construed to require that a usual, customary and reasonable rate be paid when a negotiated rate is established by a Health Maintenance Organization or Preferred Provider Organization for the locality in which the covered individual customarily receives care.

If no guidelines or standards are in effect under subsection (d), such limits shall be no less favorable than for physical illness generally.

On line 25, add the following language:

A series of treatments is a planned, structured and organized program to promote chemical free status which may include different facilities or modalities and is complete when the covered individual is discharged on medical advice from inpatient detoxification, inpatient rehabilitation/treatment, partial hospitalization or intensive outpatient or a series of these levels of treatments without a lapse in treatment or when a person fails to materially comply with the treatment program for a period of 30 days.

The committee amendment was read and was adopted by a viva voce vote.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 1

Amend H.B. 62, SECTION 21.01, Subsection 2(c), page 287, by striking the existing language and substituting the following therefore:

(c) An insurer regulated under this code may not require a claimant, as a condition of settling a claim, to produce the claimant's federal income tax returns for examination or investigation by the insurer unless the claimant is ordered to produce those tax returns by a court of competent jurisdiction, the claim involves a fire loss or the claim involves a loss of profits or income. In addition to committing a prohibited practice under this article, an insurer who violates this subsection commits a deceptive trade practice under Subchapter E, Chapter 17, Business & Commerce Code, and an affected claimant is entitled to remedies under that subchapter.

The amendment was read.

Senator Glasgow offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to H.B. 62, page 287, SECTION 21.01 by striking Section 2(c).

The amendment to the amendment was read.

On motion of Senator Harris of Dallas, the amendment to the amendment was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Barrientos, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Johnson, Leedom, Lyon, Moncrief, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Glasgow, Henderson, Krier, Lucio, Montford, Parker, Ratliff, Sibley.

Question recurring on the adoption of Floor Amendment No. 1, the amendment was adopted by a viva voce vote.

On motion of Senator Harris of Dallas and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

RECORD OF VOTE

Senator Lyon asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 62 ON THIRD READING

Senator Harris of Dallas moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 62 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson,

Krier, Lucio, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Leedom, Lyon.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

SENATE RULE 11.11 SUSPENDED

On motion of Senator Haley and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Administration might consider H.B. 39 upon recess today.

RECESS

On motion of Senator Brooks, the Senate at 2:11 p.m. took recess until 3:30 p.m. today.

AFTER RECESS

The Senate met at 3:30 p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

House Chamber
August 25, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.J.R. 2, Proposing a constitutional amendment providing for the issuance of general obligation bonds by the Texas Higher Education Coordinating Board. (As amended)

S.B. 20, Relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.

S.B. 19, Relating to the regulation of artesian wells and of the use of water from artesian wells. (As amended)

S.B. 41, Relating to the governing board, duties, and executive director of the Texas Department of Commerce and to economic development, including the community development block grant program, certain industries, and the allocation of reservations for certain private activity bonds. (As substituted and amended)

S.B. 45, Relating to the transfer of the State Property Tax Board's remaining duties, functions, authorities, and assets to the Comptroller's Office.

S.C.R. 5, Congratulating Stephanie Woods on her impressive ability and her outstanding performance at the Pan American Games.

S.C.R. 13, Granting permission for James Morris and Jeanne McLean Morris to be interred in the State Cemetery.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

By unanimous consent, Senator Haley submitted the following report for the Committee on Administration:

HOUSE BILL 39 ORDERED NOT PRINTED

**HOUSE AMENDMENTS TO SENATE BILL 2
ORDERED NOT PRINTED**

SENATE BILL 2 WITH HOUSE AMENDMENTS

The amendments were read.

RECORD OF VOTES

**SENATE CONCURRENT RESOLUTION 10
WITHDRAWN FROM COMMITTEE**

**SENATE CONCURRENT RESOLUTION 10
ON SECOND READING**

The resolution was read second time and was adopted by a viva voce vote.

S.B. 65 by Green Intergovernmental Relations
Relating to the retirement systems in certain cities with a population of 1,200,000 or more; providing for a credit for military service.

**SENATE RESOLUTION 97
(Caucus Report)**

Senator Brooks offered the following resolution:

Honorable Bob Bullock
President of the Senate
Austin, Texas

Sir:

At a caucus held on August 25, 1991, and attended by 28 Members of the Senate, the following recommendations were made, to wit:

BE IT RESOLVED by the Senate, That:

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto, he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express, and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature. The Secretary of the Senate may employ such employees as are necessary for the operation of her office and to perform duties as may be required in connection with the business of the state from the closing of this session and until the convening of the next session. All employees and elected officers of the Senate shall operate under the direct supervision of the Secretary of the Senate during the interim.

The Administration Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Clerk, Calendar Clerk, Journal Clerk, and Sergeant-at-Arms. The Committee on Administration shall establish the salaries to be paid the Senate staff.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and to purchase such supplies and to make all such repairs and improvement as are necessary between the adjournment of this session and the convening of the next session of the Legislature and make an inventory of all furniture and fixtures in the Senate Chamber and in the private offices of the Members, as well as of the supplies and equipment on hand in the Purchasing and Supply Department and close his books for the 2nd Called Session of the 72nd Legislature. No equipment shall be acquired on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and, be it further

RESOLVED, That there shall be printed 325 volumes of the Senate Journal of the 2nd Called Session of the 72nd Legislature; when complete 250 copies shall be bound in buckram and delivered to the Secretary of the Senate; one volume thus bound shall be forwarded by the Secretary of the Senate to each Member of the Senate, the Lieutenant Governor, and to each Member of the House of Representatives on request. The printing of such journals shall be done in accordance with the provisions of this Resolution under the supervision of the Chairman of the Committee on Administration; provided, further, that it shall be the duty of said chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the preexisting law as finally approved by the Chairman of the Committee on Administration of the Senate. When the

accounts have been certified by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the 72nd Legislature; and, be it further

RESOLVED, That all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and Contingent Expense Fund of the 72nd Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, Members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 301.030, Government Code, upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies, and expenses of the Senate, including travel expenses for Members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate; and, be it further

RESOLVED, That in furtherance of the legislative duties and responsibilities of the Senate, the Administration Committee is hereby authorized and directed to charge to the individual Member's office budget as hereinafter authorized: (1) reimbursement of all actual expenses incurred by the Members when traveling in performance of such duties and responsibilities or incident thereto, and (2) payment of all other reasonable and necessary expenses for the operation of the office of the individual Senator during any period the Legislature is not in session. Expenditures for these services by the Administration Committee as hereby authorized as an expense of the Senate shall not be restricted to Austin but may be incurred in individual senatorial districts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Secretary of the Senate in accordance with regulations governing such expenditures; and, be it further

RESOLVED, That for the time period from the end of the 72nd Legislature, 2nd Called Session, through August 31, 1991, the \$20,000 payroll/travel allotment shall remain in effect. Effective September 1, 1991, each Senator shall be permitted to employ secretarial and other office staff and for intrastate travel expenses for staff employees a payroll of \$20,000 per month. Any unexpended portion of this amount may be carried forward from month to month until the end of the fiscal year. Other expenses, including travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of the Member's office or incident thereto, shall be provided in addition to the maximum salary authorized; and, be it further

RESOLVED, That, due to the Attorney General's finding that Members of the Legislature are entitled to be reimbursed for expenses incurred in the performance of their duties, the Senate finds that Members of the Senate and the Lieutenant Governor incur such expenses; and, be it further

RESOLVED, That, beginning with the 72nd Legislature, the Secretary of the Senate is authorized to order reimbursement for legislative expenses consistent with this resolution and the opinion of the Attorney General and other applicable law; and, be it further

RESOLVED, That any Member of the Senate and the Lieutenant Governor shall be eligible to receive such reimbursement as may be due on application of the Member or the Lieutenant Governor to the Secretary of the Senate; and, be it further

RESOLVED, That, on the application of a Member of the Senate or the Lieutenant Governor, the applicant shall be entitled to reimbursement for legislative expenses for each legislative day; and, be it further

RESOLVED, That the Secretary of the Senate provide for the reimbursement of legislative expenses by instituting an accountable plan for reimbursement of

actual expenses as provided in the Internal Revenue Code or by setting up a system for claiming the generally allowable federal per diem rate as defined in the Federal Travel Regulations for each legislative day; and, be it further

RESOLVED, That a legislative day include each day of a regular or special session of the Legislature, including any day the Legislature was not in session for a period of four consecutive days or less, and all days the Legislature is not in session if the Senator or Lieutenant Governor attends a meeting of a joint, special, or legislative committee as evidenced by the official record of the body, and each day the Senator or the Lieutenant Governor is otherwise engaged in legislative business in Travis County as evidenced by claims submitted to the chairman or a subcommittee of the Senate Committee on Administration; and, be it further

RESOLVED, That each Member of the Senate and the Lieutenant Governor file an election with the Secretary of the Senate specifying whether he or she intends to seek reimbursement for legislative expenses under the accountable plan or at the federal per diem rate or whether he or she does not intend to seek reimbursement; and, be it further

RESOLVED, That in order to accrue vacation leave, compensatory/overtime leave, or sick leave, employees of Members must file monthly time sheets with the Senate Personnel Office by the 10th of the month following the month in which work was performed. Employees of Members and committees must use compensatory/overtime accrued in a given month by the end of the same month of the following year. Compensatory/overtime accrued prior to January 1, 1991, will not be carried forward after January 1, 1992. No compensatory/overtime will be paid at either the end of the fiscal year or at an employee's termination; and, be it further

RESOLVED, That the Lieutenant Governor shall have the authority to appoint any Member of the Senate, the Secretary of the Senate, or other Senate employee to attend meetings of the National Conference of State Legislatures and other similar meetings. Necessary and actual expenses are hereby authorized upon the approval of the Chairman of the Administration Committee and the Secretary of the Senate. The Lieutenant Governor shall have the authority to designate a Member of the Senate to represent the Senate at ceremonies and ceremonial functions. Necessary expenses for performance of these duties and for necessary staff are hereby authorized to be paid pursuant to a budget approved by the Administration Committee; and, be it further

RESOLVED, That each of the standing committees and subcommittees of the Senate of the 72nd Legislature be authorized to continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation, and perform research on matters directed either by Resolution, the Lieutenant Governor, or as determined by majority vote of each committee. Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable. Expenses for the operation of these committees and subcommittees are hereby authorized to be paid pursuant to a budget prepared by each committee and approved by the Administration Committee; and, be it further

RESOLVED, That the operating expenses of this committee shall be paid from the Contingent Expense Fund of the Senate, and the committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committee; and, be it further

RESOLVED, That any Members not returning for the 73rd Legislature will vacate their Senate offices by December 15, 1992; and, be it further

RESOLVED, That no employee of the Senate shall during the time he or she is employed furnish to any person, firm, or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not

without permission receive any compensation from any person, firm, or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged; and, be it further

RESOLVED, That the Secretary of the Senate is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate except as authorized by the Chairman of the Administration Committee.

Respectfully submitted,

BROOKS

Chairman of the Caucus

TRUAN

Secretary of the Caucus

The resolution was read and was adopted by a viva voce vote.

RECORD OF VOTE

Senator Dickson asked to be recorded as voting "Nay" on the adoption of the resolution.

SENATE RESOLUTION 77

Senator Montford offered the following resolution:

S.R. 77, Recognizing August 27 as the birthday of President Lyndon Baines Johnson.

MONTFORD
RATLIFF

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Montford and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

(Senator Brooks in Chair)

ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM SEVENTY-SECOND LEGISLATURE, SECOND CALLED SESSION

The Presiding Officer, Senator Brooks in Chair, announced that the next order of business was the election of the President Pro Tempore Ad Interim, 72nd Legislature, 2nd Called Session.

Upon the nomination of Senator Harris of Dallas and by acclamation, Senator Don Henderson was elected President Pro Tempore Ad Interim for the 72nd Legislature, 2nd Called Session.

The Presiding Officer appointed Senators Moncrief and Sims to escort Senator Henderson to the President's Rostrum.

The Presiding Officer declared Senator Henderson elected to the office of President Pro Tempore Ad Interim and the Oath of Office was administered to him by Senator Harris of Dallas.

(President in Chair)

MESSAGE FROM THE HOUSE

House Chamber
August 25, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 7, Directing the State Department of Highways and Public Transportation to issue "U.S. Judge" plates to magistrates of the United States district courts.

S.C.R. 7, Commending Marjorie B. Perkins for her many contributions to her community and the State of Texas while serving on the Marshall Regional Arts Council.

S.C.R. 11, Expressing deep gratitude to Mr. Jorge Rincones and recognizing his contributions to his country and his state.

S.C.R. 14, Congratulating Dr. Bobby E. Parker for his 43 years of excellence in the field of education.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE JOINT RESOLUTION 2 WITH HOUSE AMENDMENT

Senator Barrientos called **S.J.R. 2** from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

Amendment - Cavazos

Amend **S.J.R. 2** by striking the proposition language and substituting the following:

"The constitutional amendment providing for the issuance of general obligation bonds not to exceed \$300,000,000 to continue existing programs to provide educational loans to students, with repayments of student loans applied toward retirement of the bonds.

The amendment was read.

Senator Barrientos moved to concur in the House amendment to **S.J.R. 2**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 41 WITH HOUSE AMENDMENTS

Senator Glasgow called **S.B. 41** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment - A. Hill

Amend **S.B. 41** by substituting the following:

**A BILL TO BE ENTITLED
AN ACT**

relating to the governing board, duties, and executive director of the Texas Department of Commerce and to economic development, including the

community development block grant program, certain industries, and the allocation of reservations for certain private activity bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (1), Section 481.001, Government Code, is amended to read as follows:

(1) "Policy board" [~~"Board"~~] means the policy [~~governing~~] board to [of] the department.

SECTION 2. Section 481.004, Government Code, as amended by Chapter 332, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

Sec. 481.004. POLICY [~~GOVERNING~~] BOARD. (a) The policy [~~department is governed by a~~] board is composed of:

(1) six public members appointed by the governor with the advice and consent of the senate, which members shall be appointed to give geographical representation on the policy board to all regions of the state; and

(2) the following ex officio members:

(A) the chairperson of the State Job Training Coordinating Council and the chairperson shall in no event be permitted to claim or receive state per diem for service on the policy board;

(B) the presiding officer of the International Trade Commission; and

(C) the presiding officer of the Texas-Mexico Authority.

(b) Appointed members of the policy board serve for six-year terms with the terms [~~term~~] of two members [~~one member~~] expiring February 1 of each odd-numbered year. Ex officio members have the same powers and duties as appointed members.

(c) Appointments to the policy board shall be made without regard to the race, color, handicap, sex, religion, age, or national origin of the appointees [~~Before the board's first meeting after the regular appointment of a member, the governor shall select a presiding officer from the board's members~~].

SECTION 3. Subchapter A, Chapter 481, Government Code, is amended by adding Sections 481.0041 through 481.0044 to read as follows:

Sec. 481.0041. REMOVAL OF POLICY BOARD MEMBERS. (a) It is a ground for removal from the policy board if a member:

(1) violates a prohibition established by Section 481.0042;

(2) cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or

(3) is absent from more than half of the regularly scheduled policy board meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the policy board.

(b) The validity of an action of the policy board is not affected by the fact that it is taken when a ground for removal of a policy board member exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the policy board of the ground. The presiding officer shall then notify the governor that a potential ground for removal exists.

Sec. 481.0042. CONFLICT OF INTEREST. (a) A member of the policy board or the executive director or an employee of the department may not:

(1) be an officer, employee, or paid consultant of a business entity that contracts with the department;

(2) directly own, control, or have any interest in a business entity that contracts with the department; or

(3) accept or solicit any gift, favor, or service that would reasonably tend to influence the person in the discharge of official duties or that the person knows or should know is being offered with the intent to influence official conduct.

(b) An officer, employee, or paid consultant of a business entity or a trade association of business entities that contracts with the department may not be a member of the policy board or the executive director or employee of the department.

(c) A person who is the spouse of an officer, manager, or paid consultant of a business entity or a trade association of business entities that contracts with the department may not be a member of the policy board or the executive director or an employee of the department.

(d) For the purposes of this section, a trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(e) A person may not be a member of the policy board or the executive director or an employee of the department if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a business entity that has an interest in a contract with the department or a profession related to the operation of the department.

Sec. 481.0043. OFFICERS; COMPENSATION; MEETINGS. (a) The governor designates the presiding officer of the policy board. The policy board shall elect from among its members an assistant presiding officer and a secretary.

(b) The policy board shall meet at least quarterly.

(c) A member of the policy board may not receive compensation for service on the policy board. A member is entitled to receive reimbursement, subject to any applicable limitation on reimbursement provided by the General Appropriations Act, for actual and necessary expenses incurred in performing services as a member of the policy board.

(d) The policy board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the policy board and to speak on any issue under the jurisdiction of the policy board.

Sec. 481.0044. GENERAL POWERS AND DUTIES. (a) The policy board may adopt rules for its internal management and control.

(b) The policy board shall perform the duties assigned to the department under this chapter or other law.

(c) The policy board possesses the powers and shall perform the duties assigned by law to the department.

(d) The policy board shall report to the governor annually and to the legislature at each regular session on the department's activities. The policy board may make recommendations in those reports on matters under its jurisdiction.

SECTION 4. Section 481.005, Government Code, is amended to read as follows:

Sec. 481.005. EXECUTIVE DIRECTOR; POLICY BOARD DUTIES [STAFF]. (a) The governor [board] shall appoint the [employ-an] executive director of the department with the advice and consent of the senate. The executive director serves a two-year term expiring February 1 of each odd-numbered year [who shall employ other employees necessary to carry out the board's duties].

(b) The executive director shall execute a bond payable to the state in an amount set by the members of the policy board conditioned on the faithful performance of the duties of the office. Premiums for the bond are payable from appropriations to the department. The executive director must have demonstrated executive and organizational ability.

(c) The executive director shall manage the affairs of the department. The executive director shall provide administrative support to the members of the policy board that is necessary for the performance of the functions of the members.

(d) The members of the policy board shall establish policy, adopt rules that the policy board may adopt under law, evaluate the implementation of new legislation that affects the department's duties, review and comment on the department's budget, prepare an annual report of the department's activities, conduct investigations and studies, and develop long-range plans for the future goals and needs of the department. The members of the policy board may not be involved in the daily operation of the department. Except for duties related to the approval and issuance of bonds by the department, the policy board may delegate to the executive director the duties of the policy board under this chapter and other law that are not covered by the description of the members' duties under this subsection.

SECTION 5. Subsection (a), Section 481.006, Government Code, is amended to read as follows:

(a) The executive director [board] shall establish the divisions within the department, which may include:

- (1) an administrative division;
- (2) a promotion and marketing division;
- (3) a research, planning, and data services division;
- (4) a domestic business development division;
- (5) an international business development division;
- (6) a job training division; and
- (7) a tourism division.

SECTION 6. Section 481.007, Government Code, as amended by Chapter 332, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

Sec. 481.007. ADVISORY BOARDS. The executive director or the policy board may appoint [create] advisory committees to assist the executive director or the policy board in the performance of their duties. A member of an advisory committee appointed by the executive director or the policy board may not receive compensation for service on the advisory committee. A member appointed under this section is entitled to receive reimbursement, subject to any applicable limitation on reimbursement provided by the General Appropriations Act, for actual and necessary expenses included in performing service as a member of the advisory committee [boards as it considers necessary].

SECTION 7. Subchapter A, Chapter 481, Government Code, is amended by adding Sections 481.010 through 481.012 to read as follows:

Sec. 481.010. PERSONNEL. (a) The executive director shall employ personnel necessary for the performance of department functions. In addition to other personnel, the executive director shall employ a human rights officer and an internal auditor. The internal auditor shall report directly to the governor.

(b) The executive director shall provide to policy board members and department employees, as often as necessary, information regarding their qualifications for office or employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.

(c) The policy board and executive director shall jointly develop and implement policies that clearly define the respective responsibilities of the members of the policy board and the executive director and staff of the department in accordance with this chapter.

(d) The executive director or the executive director's designee shall develop an intraagency career ladder program. The program shall require intraagency postings of all non-entry-level positions concurrently with any public posting.

(e) The executive director or the executive director's designee shall develop a system of annual performance evaluations. All merit pay for department employees must be based on the system established under this subsection.

(f) The executive director or the executive director's designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, handicap, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel;

(2) a comprehensive analysis of the department work force that meets federal and state guidelines;

(3) procedures by which a determination can be made of significant underutilization in the department work force of all persons for whom federal or state guidelines encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of significant underutilization.

(g) A policy statement prepared under Subsection (f) must cover an annual period, be updated at least annually, and be filed with the governor's office.

(h) The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (g). The report may be made separately or as a part of other biennial reports made to the legislature.

Sec. 481.011. FISCAL REPORT. The department shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the department during the preceding fiscal year. The annual report must be in the form and reported in the time provided by the General Appropriations Act.

Sec. 481.012. PUBLIC INTEREST INFORMATION AND COMPLAINTS. (a) The department shall prepare information of public interest describing the functions of the department and the department's procedures by which complaints are filed with and resolved by the department. The department shall make the information available to the public and appropriate state agencies.

(b) The department shall keep an information file about each complaint filed with the department that the department has authority to resolve. If a written complaint is filed with the department that the department has authority to resolve, the department, at least quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an undercover investigation.

(c) The department shall prepare and maintain a written plan that describes how a person who does not speak English or who has a physical, mental, or developmental disability can be provided reasonable access to the department's programs.

SECTION 8. Subsection (a), Section 481.021, Government Code, as amended by Chapter 602, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(a) The department may:

(1) adopt and enforce rules necessary to carry out this chapter;

(2) adopt and use an official seal;

(3) accept gifts, grants, or loans from and contract with any entity;

(4) sue and be sued;

(5) acquire and convey property or an interest in property;

(6) procure insurance and pay premiums on insurance of any type, in accounts, and from insurers as the department [board] considers necessary and advisable to accomplish any of the department's [its] purposes; and

(7) exercise any other power necessary to carry out this chapter.

SECTION 9. Subsection (a), Section 481.024, Government Code, as amended by Chapter 602, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(a) The Texas Economic Development Corporation on behalf of the state shall carry out the public purposes of this chapter. The creation of the corporation does not limit or impair the rights, powers, and duties of the department provided by this chapter. The corporate existence of the Texas Economic Development Corporation begins on the issuance of a certificate of incorporation by the secretary of state. The members of the policy board serve ex officio as the board of directors of the corporation. The corporation has the powers and is subject to the limitations provided for the department by this chapter in carrying out the public purposes of this chapter. The corporation has the rights and powers of a nonprofit corporation incorporated under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) except to the extent inconsistent with this section. The corporation may contract with the department and with bond counsel, financial advisors, or underwriters as its board of directors considers necessary.

SECTION 10. Subsection (b), Section 481.044, Government Code, is amended to read as follows:

(b) The department has the powers that are necessary and convenient to accomplish the purposes of this subchapter, including the power to:

(1) borrow money and otherwise incur debt and to issue bonds, and provide for the rights of the owners of the bonds, in the manner and to the extent permitted by this chapter and the Texas Constitution and to purchase, hold, cancel, or resell or otherwise dispose of its bonds, subject to the restrictions in a resolution authorizing the issuance of its bonds;

(2) purchase, discount, sell, and negotiate with or without guaranty notes, bonds, debentures, and other evidences of indebtedness of export businesses or portions or portfolios of or participations in those evidences of indebtedness;

(3) sell securities as the department considers necessary and advisable to accomplish any of the purposes of this subchapter;

(4) procure and pay premiums on insurance of any type in amounts and from insurers that the department considers necessary and advisable to accomplish any of the purposes of this subchapter;

(5) provide financial counseling services to export businesses;

(6) make secured or unsecured loans for export businesses to provide financing or refinancing of the costs incurred in connection with the international export or preexport of Texas products authorized by this subchapter, including the refunding of outstanding obligations, mortgages, or advances issued for those purposes, and charge and collect, on terms and conditions that the policy board considers advisable and not in conflict with this subchapter, interest on those loans for loan payments;

(7) secure the payment by the state or the department on guarantees and pay claims from money in the department's funds under any guarantee or insurance program implemented by the department; and

(8) acquire, hold, invest, use, and dispose of the receipts, funds, and money, subject only to the Texas Constitution, this subchapter, and any covenants relating to the department's bonds in classes of investments that the policy board determines.

SECTION 11. Subsections (a) and (c), Section 481.048, Government Code, are amended to read as follows:

(a) The department by rule shall establish criteria for determining which export businesses may participate in programs established by the department. The rules must state that the department's policy is to provide programs for providing to export businesses financial assistance that:

(1) otherwise would not be made;

(2) the policy board considers to present a reasonable risk and have a sufficient likelihood of repayment; and

(3) will create or maintain employment in the state.

(c) Financial assistance under this subchapter must be approved by the policy board. The policy board may delegate that approval authority to the executive director.

SECTION 12. Subsections (a) and (b), Section 481.050, Government Code, are amended to read as follows:

(a) A member of the policy board, the executive director, or an agent or employee of the department, in the person's own name or in the name of a nominee, may not hold an ownership interest of more than the following amount in an association, trust, corporation, partnership, or other entity that is, in its own name or in the name of a nominee, a party to a contract or agreement under this subchapter on which the member of the policy board, executive director, agent, or employee may be called on to act or vote:

- (1) 7-1/2 percent of the fair market value of the entity; or
- (2) \$50,000.

(b) With respect to a direct or indirect interest, other than an interest prohibited by Subsection (a), in a contract or agreement under this subchapter on which the member of the policy board, executive director, agent, or employee may be called on to act or vote, the member of the policy board, executive director, agent, or employee shall disclose the interest to the secretary of the department before the department takes final action concerning the contract or agreement and shall disclose the nature and extent of the interest and the person's acquisition of it. The department shall publicly acknowledge this disclosure and enter it in its minutes. A member of the policy board, executive director, agent, or employee who holds such an interest may not be officially involved in regard to the contract or agreement, may not vote on a matter relating to the contract or agreement, and may not communicate with the executive director or other members, agents, or employees concerning the contract or agreement. Notwithstanding any other provision of law, a contract or agreement entered into in conformity with this subsection is not invalid because of an interest described by this subsection nor is a person who complies with this subsection guilty of an offense, and the person may not be removed from office or be subjected to other penalty because of the interest.

SECTION 13. Section 481.051, Government Code, is amended to read as follows:

Sec. 481.051. PERSONAL LIABILITY OF MEMBERS OR PERSONS ACTING ON BEHALF OF DEPARTMENT. (a) A member of the policy board, the executive director, or any other person acting on behalf of the department in executing a contract, commitment, or agreement under this subchapter is not personally liable on the contract, commitment, or agreement.

(b) A member of the policy board, the executive director, or any other person acting on behalf of the department is not personally liable for damage or injury resulting from the performance of duties under this subchapter.

SECTION 14. Subsection (b), Section 481.052, Government Code, is amended to read as follows:

(b) In the resolution authorizing the bonds the policy board [department] may provide for the bonds to:

- (1) be executed and delivered at any time as a single issue or from time to time as several issues;
- (2) be in any denomination and form, including registered uncertificated obligations not represented by written instruments and commonly known as book-entry obligations, the registration of ownership and transfer of which the department shall provide for under a system of books and records maintained by a bank serving as trustee, paying agent, or bond registrar;

- (3) be of a tenor;
- (4) be in coupon or registered form;
- (5) be payable in installments and at a time or times not exceeding five years from their date;
- (6) be subject to terms of redemption;
- (7) be payable at a place or places;
- (8) bear no interest or bear interest at any rate or rates, fixed, variable, floating, or otherwise determined by the department or determined under a contractual arrangement approved by the policy board, except that the maximum net effective interest rate, computed in accordance with Chapter 3, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-2, Vernon's Texas Civil Statutes), on the bonds may not exceed a rate equal to the maximum annual interest rate established for business loans of \$250,000 or more in this state, payable at the place or places and evidenced in the manner; and
- (9) contain provisions not inconsistent with this subchapter.

SECTION 15. Subsection (a), Section 481.053, Government Code, is amended to read as follows:

(a) The bonds may be sold at public or private sale at a price and in a manner and from time to time as the policy board's resolutions authorizing issuance of the bonds provide.

SECTION 16. Subsection (b), Section 481.056, Government Code, is amended to read as follows:

(b) The department shall establish and maintain a separate fund into which the proceeds from the sale of the bonds shall be deposited. All other money received by the department under this subchapter, except money required to be deposited in the Texas exporters loan fund, shall also be deposited in this fund. The policy board may provide for the establishment and maintenance of separate accounts within the fund, including interest and sinking accounts, reserve accounts, program accounts, and other accounts, all of which shall be kept and held in escrow and in trust by the state treasurer for and on behalf of the department and the owners of the bonds as funds outside the treasury under Section 404.073 and may be used only as provided by this subchapter. Pending use, the state treasurer may invest and reinvest the money in the fund in investments authorized by law for state funds that the state treasurer, with the approval of the policy board and consistent with [its] resolutions authorizing the bonds, considers appropriate. Earnings on those investments shall be deposited in the fund. The department is authorized to use money deposited in the fund for the purposes specified in and according to the procedures established by this subchapter, and the state may not take any action with respect to the fund other than as specified by this subchapter and in the resolutions of the policy board.

SECTION 17. Subsection (b), Section 481.073, Government Code, is amended to read as follows:

(b) The policy board has the powers that are necessary to accomplish the purposes of this subchapter, including the powers granted to industrial development corporations by Section 23 of the Development Corporation Act, except those provided by Subsections (a)(7), (8), (9), and (10) of that section, and Sections 26, 27, and 29 of that Act.

SECTION 18. Subsection (a), Section 481.075, Government Code, is amended to read as follows:

(a) The department shall adopt rules to establish criteria for determining which users may participate in programs established by the department under this subchapter. The department shall adopt collateral or security requirements to ensure the full repayment of any loan, lease, or installment sale and the solvency of any program implemented under this subchapter. The policy board must approve

all leases and sale and loan agreements made under this subchapter except that the policy board may delegate this approval authority to the executive director.

SECTION 19. Subsection (c), Section 481.076, Government Code, is amended to read as follows:

(c) The department, after consultation with the Central Education Agency, may:

(1) provide preemployment and developmental training to provide employment opportunities in new or expanding industries;

(2) provide preemployment and developmental training to provide civilian employment opportunities with federal military reservations in this state;

(3) conduct industrial training seminars in conjunction with public or private employers; [and]

(4) provide skill upgrades in conjunction with public or private employers for currently employed work force that are necessary for them to retain their jobs; and

(5) adopt rules or take other actions considered necessary by the department to fully implement this section.

SECTION 20. Subsection (a), Section 481.222, Government Code, as amended by Chapter 602, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(a) The Texas product development fund is a revolving fund in the state treasury. The fund consists of money appropriated to the department, interest paid on money in the fund, proceeds of bonds issued under this chapter, application fees, loan repayments, guarantee fees, royalty receipts, dividend income, and other amounts received by the state from loans, loan guarantees, and equity investments made under this subchapter, other amounts received by the state for loans or grants made under this subchapter, and money acquired from federal grants or other sources. The fund contains a program account, an interest and sinking account, and other accounts that the policy board authorizes to be created and maintained. Money in the fund is available for use by the department under this subchapter.

SECTION 21. Subsections (a) through (d), Section 481.226, Government Code, are amended to read as follows:

(a) The policy board may issue up to \$25 million of general obligation bonds and may use the proceeds of the bonds to provide venture financing under this subchapter. The policy board shall deposit the proceeds of the bonds in the Texas product development fund and apply them in accordance with the resolution authorizing the bonds. The fund and any accounts established in the fund shall be held in trust by the state treasurer for and on behalf of the department and the owners of the general obligation bonds issued in accordance with this section, and may be used only as provided by this section. Pending use, the treasurer may invest and reinvest money in the fund in investments authorized by law for state funds that the treasurer, consistent with the policy board's resolutions authorizing the bonds, considers appropriate. Repayments of financial assistance provided under this subchapter, together with earnings received on investments of the product development funds, shall be deposited first, in the interest and sinking account as prescribed by the policy board's resolutions authorizing bonds under this subchapter and second, in any reserve account established by the policy board until that account is fully funded as prescribed by the policy board's resolutions. If, during the time any general obligation bonds are payable from the interest and sinking account, the policy board determines that there will not be sufficient money in the interest and sinking account during the following fiscal year to pay the principal of or interest on the general obligation bonds or both the principal and interest that are to come due during the following fiscal year, the comptroller of public accounts

shall transfer to the fund the first money coming into the state treasury not otherwise appropriated by the constitution in an amount sufficient to pay the obligations.

(b) The bonds may be issued from time to time in one or more series or issues, in bearer, registered, or any other form, which may include registered uncertificated obligations not represented by written instruments and commonly known as book-entry obligations, the registration of ownership and transfer of which shall be provided for by the policy board under a system of books and records maintained by the department or by an agent appointed by the policy board in a resolution providing for issuance of its bonds. Bonds may mature serially or otherwise not more than 40 years from their date. Bonds may bear no interest or may bear interest at any rate or rates, fixed, variable, floating, or otherwise, determined by the policy board or determined pursuant to any contractual arrangements approved by the policy board, not to exceed the maximum net effective interest rate allowed by Chapter 3, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-2, Vernon's Texas Civil Statutes). Interest on the bonds may be payable at any time and the rate of interest on the bonds may be adjusted at any time determined by the policy board pursuant to the resolutions authorizing the bonds or determined pursuant to any contractual arrangement approved by the policy board. In connection with the issuance of its bonds, the policy board may exercise the powers granted to the governing body of an issuer in connection with the issuance of obligations under Chapter 656, Acts of the 68th Legislature, Regular Session, 1983 (Article 717q, Vernon's Texas Civil Statutes), to the extent not inconsistent with this section. The bonds may be issued in the form and denominations and executed in the manner and under the terms, conditions, and details determined by the policy board in the resolution authorizing their issuance. If any officer whose manual or facsimile signature appears on the bonds ceases to be an officer, the signature remains valid and sufficient for all purposes as if the officer had remained in office.

(c) All bonds issued by the policy board under this section are subject to review and approval by the attorney general in the same manner and with the same effect as is provided by Chapter 656, Acts of the 68th Legislature, Regular Session, 1983 (Article 717q, Vernon's Texas Civil Statutes).

(d) The bonds are a legal and authorized investment for a bank, trust company, savings and loan association, insurance company, fiduciary, trustee, or guardian or a sinking fund of a municipality, county, school district, or political subdivision of the state. The bonds may secure deposits of public funds of the state, a municipality, a county, a school district, or another political corporation or subdivision of the state. The policy board may issue bonds to refund all or part of its outstanding bonds, including accrued but unpaid interest. The bonds, a transaction relating to the bonds, or a profit made in the sale of the bonds is exempt from taxation by the state, an agency or subdivision of the state, a municipality, or a special district.

SECTION 22. Subsection (f), Section 481.230, Government Code, as added by Chapter 602, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(f) The executive director, a [A] member of the policy board, advisory board, or other person acting on behalf of the department in executing a contract, commitment, or agreement under this subchapter is not personally liable on the contract, commitment, or agreement. The executive director, a [A] member of the policy board, advisory board, or other person acting on behalf of the department is not personally liable for damage or injury resulting from the performance of duties under this subchapter.

SECTION 23. Subsection (e), Section 481.238, Government Code, is amended to read as follows:

(e) The policy board shall determine the rate of interest on loans made under this subchapter. Payment of interest and principal on a loan may be deferred at the discretion of the department.

SECTION 24. Subsections (a) through (c), Section 481.244, Government Code, are amended to read as follows:

(a) The policy board may issue up to \$20 million of general obligation bonds and may use the proceeds, less the costs of issuance of the bonds, to carry out the small business incubator program in accordance with the resolution authorizing the bonds. The policy board shall deposit the proceeds of the bonds in the small business incubator fund and apply them in accordance with the resolution authorizing the bonds. The fund and any accounts established in the fund shall be held in trust by the state treasurer for and on behalf of the department and the owners of the general obligation bonds issued in accordance with this section, and may be used only as provided by this subchapter. Pending use, the treasurer may invest and reinvest money in the fund in investments authorized by law for state funds that the treasurer, consistent with the policy board's resolutions authorizing the bonds, considers appropriate. Repayments of financial assistance provided under this subchapter, together with earnings received on investments of the fund, shall be deposited first, in the interest and sinking account as prescribed by the policy board's resolutions authorizing bonds under this article and second, in any reserve account established by the policy board until that account is fully funded as prescribed by the policy board's resolutions. If, during the time any general obligation bonds are payable from the interest and sinking account, the policy board determines that there will not be sufficient money in the interest and sinking account during the following fiscal year to pay the principal of or interest on the general obligation bonds or both the principal and interest that are to come due during the following fiscal year, the comptroller of public accounts shall transfer to the fund the first money coming into the state treasury not otherwise appropriated by the constitution in an amount sufficient to pay the obligations.

(b) The bonds may be issued from time to time in one or more series or issues, in bearer, registered, or any other form, which may include registered uncertificated obligations not represented by written instruments and commonly known as book-entry obligations, the registration of ownership and transfer of which shall be provided for by the policy board under a system of books and records maintained by the department or by an agent appointed by the policy board in a resolution providing for issuance of its bonds. Bonds may mature serially or otherwise not more than 40 years from their date. Bonds may bear no interest or may bear interest at any rate or rates, fixed, variable, floating, or otherwise, determined by the policy board or determined pursuant to any contractual arrangements approved by the policy board, not to exceed the maximum net effective interest rate allowed by Chapter 3, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-2, Vernon's Texas Civil Statutes). Interest on the bonds may be payable at any time and the rate of interest on the bonds may be adjusted at any time determined by the policy board pursuant to the resolutions authorizing the bonds or determined pursuant to any contractual arrangement approved by the policy board. In connection with the issuance of its bonds, the policy board may exercise the powers granted to the governing body of an issuer in connection with the issuance of obligations under Chapter 656, Acts of the 68th Legislature, Regular Session, 1983 (Article 717q, Vernon's Texas Civil Statutes), to the extent not inconsistent with this section. The bonds may be issued in the form and denominations and executed in the manner and under the terms, conditions, and details determined by the policy board in the resolution authorizing their issuance. If any officer whose manual or facsimile signature appears on the bonds ceases to be an officer, the signature remains valid and sufficient for all purposes as if the officer had remained in office.

(c) All bonds issued by the policy board under this section are subject to review and approval by the attorney general in the same manner and with the same effect

as is provided by Chapter 656, Acts of the 68th Legislature, Regular Session, 1983 (Article 717q, Vernon's Texas Civil Statutes).

SECTION 25. Section 481.292, Government Code, is amended to read as follows:

Sec. 481.292. ADMINISTRATION. The Office of Advanced Technology shall implement this subchapter as directed by the policy board.

SECTION 26. Subsection (e), Section 481.297, Government Code, as added by Chapter 602, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(e) A member of the policy board, advisory board, or other person acting on behalf of the department in executing a contract, commitment, or agreement under this subchapter is not personally liable on the contract, commitment, or agreement.

SECTION 27. Section 481.309, Government Code, is amended to read as follows:

Sec. 481.309. ADMINISTRATION. The Office of Advanced Technology shall implement this subchapter as directed by the policy board.

SECTION 28. Article 4413(501), Revised Statutes, as added by Chapter 762, Acts of the 72nd Legislature, Regular Session, 1991, is amended by adding Sections 2.06, 2.07, 2.08, 2.09, and 2.10 to read as follows:

Sec. 2.06. ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. The department, through the community affairs division, shall, under the federal Omnibus Budget Reconciliation Act of 1981 (Pub. L. No. 97-35) and 24 CFR, Part 570, Subpart I, administer the state's allocation of federal funds provided under the community development block grant nonentitlement program authorized by Title I of the Housing and Community Development Act of 1974 (42 U.S.C. Section 5301 et seq.).

Sec. 2.07. ALLOCATION RULES. Community development block grant program funds shall be allocated to eligible counties and municipalities according to department rules.

Sec. 2.08. ALLOCATION SHARING. The department may enter into interagency agreements with the Texas Department of Commerce to transfer not more than 20 percent of the federal funds received by the department to the Texas Department of Commerce to be used for economic development. The federal funds transferred to the department of commerce include the amount of federal funds to be used for administrative expenses in accordance with federal law. Any income generated from the economic development programs of the department of commerce remain with that agency. The use of funds transferred to the Texas Department of Commerce under this section must be approved by the department, and all rules of the Texas Department of Commerce relating to the funds transferred under this section must be approved by the department.

Sec. 2.09. UNUSED FEDERAL FUNDS. Any federal funds transferred under Section 2.08 of this article to the Texas Department of Commerce that are not used on a timely basis, as specified by federal guidelines, shall be returned to the department under the terms of an interagency agreement.

Sec. 2.10. STATE COMMUNITY DEVELOPMENT REVIEW COMMITTEE. (a) The state community development review committee consists of 12 members, appointed by the governor, each of whom must be a member of the governing body of a county or municipality eligible for funding under the program or a supervisory-level county or municipal employee whose regular duties include involvement in community development activities. The number of county officials on the committee, expressed as a ratio of all committee members, may not exceed the number of counties eligible for funding under the community development block grant program, expressed as a ratio of all eligible applicants.

(b) The chairman of the committee shall be designated by the governor and serve at the governor's pleasure.

(c) Members of the committee serve two-year terms expiring February 1 of each odd-numbered year. If a vacancy occurs on the committee, the governor shall appoint a new member to fill the remaining portion of the unexpired term.

(d) Committee members serve without compensation for services on the committee but are entitled to be reimbursed for reasonable and necessary expenses incurred in performing their duties. Service on the committee by officers and employees of counties and municipalities is considered as an additional duty of their office or employment and may not be construed as dual officeholding.

(e) The committee shall meet at least twice annually at the call of the director.

(f) The committee shall:

(1) consult with and advise the director on the administration and enforcement of the program; and

(2) review applications submitted by counties and municipalities eligible for funding under the program and advise and assist the director with respect to the allocation of program funds to those applicants.

(g) The committee may recommend annually to the director a formula for allocation of funds to each geographic state planning region established by the governor as provided by Chapter 391, Local Government Code. The formula must give preference to regions according to the regions' needs.

SECTION 29. Subtitle F, Government Code, is amended by adding Chapter 485 to read as follows:

CHAPTER 485. MUSIC, FILM, TELEVISION, AND
MULTIMEDIA INDUSTRIES

Sec. 485.001. DEFINITIONS. In this chapter, "office" means the Music, Film, Television, and Multimedia Office.

Sec. 485.002. ESTABLISHMENT. The Music, Film, Television, and Multimedia Office is established in the office of the governor.

Sec. 485.003. DIRECTOR; STAFF. The governor may employ a director who may employ other employees necessary to carry out the office's duties.

Sec. 485.004. PROMOTION; DUTIES. (a) The office shall promote the development of the music industry in the state by informing members of that industry and the public about the resources available in the state for music production.

(b) The office shall promote the development of the film, television, and multimedia industries in this state by informing members of those industries and the public of the resources available in this state for film, television, and multimedia production.

(c) State agencies and political subdivisions of this state shall cooperate with the office to the greatest extent possible to fully implement the goal of promoting the development of the music, film, television, and multimedia industries in this state.

Sec. 485.005. ADVISORS. (a) The office may appoint advisors to assist in the administration of this chapter.

(b) An advisor serves without compensation but is entitled to necessary and actual expenses incurred in performing duties under this chapter.

Sec. 485.006. GIFTS AND GRANTS. The office may accept gifts, grants, and other funds specifically designated by the donor or grantor for use in developing the music, film, television, and multimedia industries of this state.

Sec. 485.007. MUSIC, FILM, TELEVISION, AND MULTIMEDIA FUND. The music, film, television, and multimedia fund is in the state treasury. The continued existence of this fund is determined by the provisions of S.B. 3, Acts of the 72nd Legislature, 1st Called Session, 1991. All gifts, grants, and other funds received by the office under this chapter shall be deposited to the credit of the fund and may be used only for the purposes of this chapter.

SECTION 30. Subchapters J and K, Chapter 481, Government Code, are repealed.

SECTION 31. Subsection (a), Section 3, Texas Job-Training Partnership Act (Article 4413(52), Vernon's Texas Civil Statutes), is amended to read as follows:

(a) It is a goal of this state to assist its citizens in obtaining gainful employment and in reducing dependency on public assistance and unemployment compensation by:

(1) preparing young people and unskilled adults who are economically disadvantaged for entry into the work force;

(2) assisting citizens faced with serious barriers to employment to overcome those barriers, including age, handicapped status, lack of education, and locality;

(3) taking an affirmative role in ensuring the maximum utilization of available resources in planning, implementing, and facilitating this Act through a partnership of individuals from the various diverse communities of the state, including but not limited to representatives of business communities, local and state government, ethnic communities, education communities, and the various cultural and socio-economic communities, to participate in decision-making and policy-making activities associated with programs created under this Act; and

(4) retraining individuals whose current skills are no longer in demand in the labor market or who have been laid off from full-time employment, and who must upgrade their work skills to return to the work force.

SECTION 32. Subsection (b), Section 8, Texas Job-Training Partnership Act (Article 4413(52), Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The state hereby establishes a State Job Training Coordinating Council as required by the federal Act, hereinafter referred to as the "state council." The state council shall:

(1) be appointed by the governor in accordance with the requirements of the federal Act;

(2) have not more than 40 members including the chairperson;

(3) meet not less than quarterly;

(4) develop and recommend statewide goals and program objectives;

(5) identify needs for training and employment services;

(6) review operations of local programs and state agencies providing job-training, employment, and related programs identified in the federal Act;

(7) establish criteria for coordinating program planning and operations;

(8) evaluate the results of state and local training and employment services;

(9) develop and recommend the state's coordination and special services plan to the governor;

(10) perform the functions formerly conducted by the State Coordinating Committee for the work incentive program under Title IV of the Social Security Act, the advisory council established under the Wagner-Peyser Act (29 U.S.C. 49) and under the Texas Unemployment Compensation Act (Article 5221b-1 et seq., Vernon's Texas Civil Statutes);

(11) assist each Private Industry Council in developing programs to serve AFDC recipients; [and]

(12) develop conflict-of-interest guidelines relating to the participation of a member of a Private Industry Council in a contract with the service delivery area administered by that Private Industry Council; and

(13) perform such functions and duties relating to job-training, employment, and related programs as required by the federal Act or as assigned by the governor.

SECTION 33. Subsections (a) and (b), Section 9A, Texas Job-Training Partnership Act (Article 4413(52), Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The Texas Department of Commerce is authorized to enter into contracts with public community and junior colleges and private, nonprofit organizations that conduct model or exemplary youth programs that meet the unique educational needs of student dropouts to provide educational services to student dropouts. A contract under this section must be made in accordance with the same procedure by which a state agency contracts with a private consultant under Chapter 454, Acts of the 65th Legislature, Regular Session, 1977 (Article 6252-11c, Vernon's Texas Civil Statutes).

(b) A contract under this section must be structured to encourage partnerships among the public school districts, public community and junior colleges, private industry councils, and private, nonprofit organizations described in Subsection (a) of this section.

SECTION 34. Section 1, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), is amended by adding Subdivision (19) to read as follows:

(19) "Qualified residential rental project issue" means an issue of bonds for a qualified residential rental project, as that term is defined under Section 142(d) of the code.

SECTION 35. Subsections (b) and (e), Section 2, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), as amended by Chapter 762, Acts of the 72nd Legislature, Regular Session, 1991, are amended to read as follows:

(b) Prior to September 1, (1) ~~28~~ 33 percent of the state ceiling is available exclusively for reservations by issuers of qualified mortgage bonds, (2) ~~17.5~~ 15 percent of the state ceiling is available exclusively for reservations by issuers of state-voted issues, (3) ~~7.5~~ 10 percent of the state ceiling is available exclusively for reservations by issuers of qualified small issue bonds, and (4) five percent of the state ceiling is available exclusively for reservations by issuers of qualified residential rental project issues; and (5) ~~42 percent~~ the balance of the state ceiling is available exclusively for reservations by all other issuers of bonds requiring an allocation.

(e) Notwithstanding the provisions of ~~[Except as provided in]~~ Subsection (f) of this section, if qualified mortgage bonds or qualified small issue bonds no longer qualify for treatment as tax-exempt obligations under the provisions of the code, then the provisions of Subsection ~~[Subsections]~~ (b)(1) or ~~[and]~~ (3) of this section, or both, as applicable, shall be null and void, and the portion of the state ceiling that is available exclusively for reservations by issuers of qualified mortgage bonds or qualified small issue bonds, or both, as applicable, shall be reallocated proportionately by March 1 for reservations by each other category of issuers under Subsection (b) of this section.

SECTION 36. Subsection (c), Section 3, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), as amended by Chapter 602, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(c) The board shall not grant a reservation of a portion of the state ceiling to any issuer prior to January 10. If two or more issuers apply for a reservation of state ceiling in a category described in Subsections (b)(2), (b)(3), and (b)(4), and (b)(5) of Section 2 of this Act on or before January 10, reservations within that category shall be granted from the state ceiling available in that category in an order determined by the board by lot. If two or more housing finance corporations apply for a reservation of state ceiling in the category described by Section 2(b)(1) of this Act on or before January 10, reservations within that category shall be granted from

the state ceiling available in that category according to the following categories of priority: (1) the first category of priority shall include those applications for a reservation filed by housing finance corporations which filed an application for a reservation on behalf of the same local population prior to September 1 of the previous calendar year, but which did not receive a reservation during such year; (2) the second category of priority shall include those applications for a reservation filed by housing finance corporations to which state ceiling could not be made available by August 31 for that calendar year because of the application of Section 4(b) of this Act; (3) the third category of priority shall include those applications for a reservation not included in the first and second categories of priority; and (4) within each category of priority, reservations shall be granted in reverse calendar year order of the most recent closing of qualified mortgage bonds by each housing finance corporation, with the most recent closing being the last to receive a reservation and with those housing finance corporations that have never received a reservation for mortgage revenue bonds being the first to receive a reservation, and, in the case of closings occurring on the same date, reservations shall be granted in an order determined by the board by lot. All applications for a reservation filed after January 10 by any issuer for the issuance of bonds shall be accepted by the board in their order of receipt.

SECTION 37. Section 3, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), is amended by adding Subsections (e) and (f) to read as follows:

(e) If any portion of state ceiling in any category described in Section 2(b) of this Act from which issuers were granted reservations becomes available in that category before June 1, those amounts shall be aggregated and reservations shall be granted from that category on June 1. If any portion of state ceiling from which issuers were granted reservations becomes available in that category after June 1 and before August 25, those amounts shall be aggregated and reservations shall be granted from that category on August 25. The department may also grant a reservation to an issuer at any time on or after January 10 if the amount of state ceiling available in any category exceeds the amount of state ceiling applied for in that category.

(f) An issuer may refuse to accept a reservation if the amount of state ceiling available is less than the amount for which the issuer applied under Section 4 of this Act. The amount of available state ceiling is subject to the grant of a reservation to each succeeding issuer eligible to receive a reservation of that available state ceiling in the order of priority determined in accordance with this Act. An issuer's refusal to accept a reservation does not affect the issuer's order of priority determined in accordance with this Act for a subsequent receipt of a reservation.

SECTION 38. Subsections (a), (d), and (e), Section 7, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), as amended by Chapter 602, Acts of the 72nd Legislature, Regular Session, 1991, are amended to read as follows:

(a) Except as provided in Subsection (b) of this section, the issuer shall close on the bonds for which a reservation has been granted not later than the 90th [60th] day after the reservation date. [The 60-day period may be extended by 15 days if, before the end of the 60-day period, the issuer submits to the board a written request for the extension. The request must state the specific deadline requested. The board may approve the request if it considers the requested deadline appropriate.]

(d) Not later than the fifth day after the day on which the bonds are closed, the issuer shall submit to the board:

(1) [the remaining closing fee, based on the principal amount of the bonds certified as provided by Section 6(a)(2) of this Act;

[(2)] a written notice stating the delivery date of the bonds and the principal amount of the bonds issued; and

(2) ~~[(3)]~~ a certified copy of the document authorizing the bonds and other documents relating to the issuance of the bonds, including a statement of the bonds':

(A) principal amount;
(B) interest rate or formula by which the interest rate is calculated;

(C) maturity schedule; and
(D) purchaser or purchasers.

(e) The board shall adopt rules that require the payment of closing fees simultaneously with the closing on the bonds. [On failure of the issuer to submit the documents and fee described by Subsection (d) of this section before this deadline, the issue's reservation is canceled.]

SECTION 39. Subchapter N, Chapter 481, Government Code, is repealed.

SECTION 40. Subsection (a), Section 3, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) In this Act:

(1) "Administrative authority" means a board, commission, or committee appointed by a governing body to administer this Act in a local enterprise zone.

(2) "Day" means the period of time between 8 a.m. and 5 p.m. on any day other than a Saturday, Sunday, or state or federal holiday.

(3) "Department" means the Texas Department of Commerce.

(4) ~~[(3)]~~ "Depressed area" means an area within the jurisdiction of a county or municipality designated by ordinance or order ~~[or resolution]~~ and that meets the criteria set by this Act.

(5) ~~[(4)]~~ "Economically disadvantaged individual" means an individual who:

(A) for at least three ~~[six]~~ months before obtaining employment with a qualified business was unemployed; ~~[or]~~

(B) ~~receives~~ received public assistance benefits, such as welfare payments and food stamp payments, based on need and intended to alleviate poverty; ~~[or]~~

(C) is an economically disadvantaged individual, as defined by Section 4(8), Job Training Partnership Act (29 U.S.C. Section 1503(8));

(D) is an individual with handicaps, as defined by 29 U.S.C. Section 706(8);

(E) is an individual who is an inmate, as defined by Section 498.001, Government Code, or who is entering the workplace after being confined in a unit of the institutional division of the Texas Department of Criminal Justice or a correctional facility authorized by Chapter 495, Government Code; or

(F) is an individual who meets the current low income or moderate income limits developed under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f). ~~[For purposes of this subdivision, an individual is unemployed if the individual is not employed and has exhausted all unemployment benefits, whether or not the individual is actively seeking employment.]~~

(6) ~~[(5)]~~ "Enterprise project" means a qualified business designated by the department as an enterprise project under Section 10 of this Act that is eligible for the state tax incentives provided by law for an enterprise project.

(7) ~~[(6)]~~ "Enterprise zone" means an area of the state designated by the department as an enterprise zone under Section 9 of this Act.

(8) ~~[(7)]~~ "Governing body" with respect to an enterprise zone means the governing body of a municipality or county that has applied to have an area within its jurisdiction designated as an enterprise zone.

(9) [(8)] "Neighborhood enterprise association" means a private sector neighborhood organization within an enterprise zone that meets the criteria set by this Act.

(10) [(9)] "New permanent job" means a new employment position that is:

(A) created by a qualified business that has provided employment to a qualified employee of at least 1,040 hours annually; and

(B) intended to be an employment position retained during the period the business is designated as an enterprise project.

(11) [(10)] "Qualified business" means a person, including a corporation or other entity, that the department, for purposes of state benefits under this Act, and a governing body, for purposes of local benefits, certifies to have met the following criteria:

(A) the person is engaged in or has provided substantial commitment to initiate the active conduct of a trade or business in the zone; and

(B) at least 25 percent of the business's new employees in the zone are residents of any zone within the governing body's or bodies' jurisdiction or economically disadvantaged individuals; and

~~[(C) if a business that is already active within the enterprise zone at the time it is designated and that operates continuously after that time, the business has hired residents of any zone within the governing body's or bodies' jurisdiction or economically disadvantaged workers after the designation so that those individuals constitute at least 25 percent of the business's new or additional employees in the zone].~~

(12) [(11)] "Qualified employee" means an employee who works for a qualified business and who performs at least 50 percent of his service for the business within the enterprise zone.

(13) [(12)] "Qualified property" means:

(A) tangible personal property located in the zone that was acquired by a taxpayer not earlier than the 90th day before the date of [after] designation of the area as an enterprise zone and was used predominantly by the taxpayer in the active conduct of a trade or business;

(B) real property located in a zone that:

(i) was acquired by the taxpayer not earlier than the 90th day before the date of [after] designation of the zone and used predominantly by the taxpayer in the active conduct of a trade or business; or

(ii) was the principal residence of the taxpayer on the date of the sale or exchange; or

(C) interest in a corporation, partnership, or other entity if, for the most recent taxable year of the entity ending before the date of sale or exchange, the entity was a qualified business.

SECTION 41. Section 4, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), is amended by amending Subsections (a), (b), and (d) and adding Subsection (f) to read as follows:

(a) An area of a municipality, county, or combination of these local governments may be designated as an enterprise zone if it:

(1) has a continuous boundary;

(2) is at least one square mile in size but does not exceed the larger of the following:

(A) 10 square miles (exclusive of lakes, [and] waterways, and transportation arteries); or

(B) five percent of the area of the municipality, county, or combination of municipalities or counties nominating the area as an enterprise zone, but not more than 20 square miles (exclusive of lakes, [and] waterways, and transportation arteries);

(3) has been nominated as an enterprise zone in an ordinance or order ~~[a resolution]~~ adopted by the legislative body of the applicable municipality, county, or combination of municipalities or counties; and

(4) is an area with:

~~[(A)]~~ pervasive poverty, unemployment, and economic distress; ~~or~~

~~[(B)] designated a rural area as defined by Section 481.085 of Chapter 481, Government Code].~~

(b) An area is an area of pervasive poverty, unemployment, and economic distress if the average rate of unemployment in the area during the most recent 12-month period for which data is available was at least one and one-half times the local, state, or national average for that period or if the area has had at least a nine percent population loss during the most recent six-year period or a [an annualized] population loss of at least three [1-1/2] percent for the most recent three-year [six-year] period and the area meets one or more of the following criteria:

(1) the area was a low-income poverty area [according to the most recent federal census];

(2) the area is in a jurisdiction or pocket of poverty eligible for urban development action grants under federal law, according to the most recent certification available from the United States Department of Housing and Urban Development;

(3) at least 70 percent of the residents or households of the area have an income below 80 percent of the median income of the residents or households of the locality or state, whichever is lower; or

(4) the nominating government establishes to the satisfaction of the department that [either]:

(A) chronic abandonment or demolition of commercial or residential structures exists in the area; ~~or~~

(B) substantial tax arrearages for commercial or residential structures exist in the area;

(C) substantial losses of businesses or jobs exist in the area; or

(D) the area is part of a disaster area declared by the state or federal government during the most recent 18-month period.

(d) If an enterprise zone has been lawfully designated, the original nominating governing body or bodies, by ordinance or order, as appropriate, [resolution] adopted following public hearing, may amend the original boundaries subject to the following limitations:

(1) the boundaries as amended must not exceed the original size limitations and boundary requirements set by this Act and may not exclude any part of the zone within the boundaries as originally designated;

(2) the enterprise zone must continue to meet all unemployment and economic distress criteria throughout the zone as required by this Act; ~~[and]~~

(3) the governing body or bodies may not make more than one boundary amendment annually during the zone designation period; and

(4) the governing body or bodies must pay for each amendment a reasonable fee in an amount not to exceed \$500 as specified by the department [the life of the zone].

(f) The department is authorized to use fees collected under this section for administration and other purposes to further advance this Act.

SECTION 42. Subsections (a) and (b), Section 5, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The governing body of any municipality, county, or combination of these local governments may nominate by ordinance or order, as appropriate,

[resolution] any economically distressed area within its jurisdiction as a potential enterprise zone, if the area meets the criteria established in Section 4 of this Act. The municipality, county, or combination of these local governments may then make written application to the department to have the area designated [certified] as an enterprise zone.

(b) An ordinance or order [A resolution] adopted by a governing body under this section is not valid unless the governing body holds a public hearing to consider the ordinance or order [resolution] before the ordinance or order [resolution] is adopted.

SECTION 43. Section 6, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. REQUIREMENTS OF ORDINANCE OR ORDER [RESOLUTION] NOMINATING ZONE. (a) An ordinance or order [A resolution] nominating an area as an enterprise zone must set forth:

(1) a precise description of the area comprising the zone, either in the form of a legal description or by reference to roadways, lakes and waterways, and municipal or county boundaries;

(2) a finding that the zone area meets the qualifications of this Act;

(3) a brief summary of provisions for any tax or other incentives applicable to business enterprises in the zone at the election of the designating municipality or county, at least one of which is not applicable throughout the municipality or county; and

(4) a designation of the area as an enterprise zone, subject to the approval of the department in accordance with this Act.

(b) This section does not prohibit a municipality or county from extending additional tax or other incentives for business enterprises in an enterprise zone by separate ordinance or order [resolution].

SECTION 44. Subsection (b), Section 7, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The application must include:

(1) a certified copy of the ordinance or order, as appropriate, [resolution] nominating the proposed zone;

(2) a map of the proposed enterprise zone showing existing streets and highways;

(3) an analysis and any appropriate supporting documents and statistics demonstrating that the proposed zone area qualifies for designation as an enterprise zone;

(4) a statement detailing any tax, grant, and other financial incentives or benefits and any programs to be provided by the municipality or county to business enterprises in the zone[~~other than those provided in the designating ordinance;~~] that are not to be provided throughout the municipality or county;

(5) a statement setting forth the economic development and planning objectives for the zone;

(6) a statement describing the functions, programs, and services to be performed by designated neighborhood enterprise associations in the zone;

(7) an estimate of the economic impact of the zone, considering all of the tax incentives, financial benefits, and programs contemplated, on the revenues of the municipality or county;

(8) a transcript or tape recording of all public hearings on the zone;

(9) in the case of a joint application, a description and copy of the agreement between joint applicants;

(10) procedures for negotiating with residents, community groups, and other entities affected [communities impacted] by the zone and with qualified businesses in the zone;

(11) a description of the administrative authority, if any, created for the zone; and

(12) any [the] additional information that the department requires.

SECTION 45. Subsection (a), Section 9, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) On receipt of an application from a municipality, county, or combination of these local governments, the department shall review the application to determine if the area described in the application qualifies to be designated as an enterprise zone under the criteria of Section 4 of this Act. The department shall provide an applicant at least 10 days ~~[two weeks]~~ after the date of receipt of the application to correct any omissions or clerical errors that may be present in the application and to return the application to the department. Following the close of the application period and the resubmission period, if any, the department shall meet to review the applications that have qualified for consideration as enterprise zones.

SECTION 46. Subsection (b), Section 9, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), as amended by Section 1, Chapter 471, and Section 7, Chapter 1106, Acts of the 71st Legislature, Regular Session, 1989, is reenacted to reconcile those amendments to read as follows:

(b) Not later than the 60th day after the last day of each fiscal year, the comptroller shall furnish to the department a report stating the statewide total of the tax refunds made under Section 17 of this Act during the fiscal year.

SECTION 47. Subsections (a), (b), (c), (f), and (k), Section 10, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) A qualified business in an enterprise zone having an unemployment rate of not less than one and one-half times the state average, a population loss of at least 12 percent during the most recent six-year period, or a ~~[an annualized]~~ population loss of at least four [two] percent for the most recent three-year [six-year] period may apply to the governing body or combination of governing bodies that nominated the enterprise zone and to the administrative authority, if any, for designation as an enterprise project. If the governing body or bodies and administrative authority agree, the governing body or bodies may apply to the department to designate the business as an enterprise project.

(b) The application to the department must include:

(1) a complete description of the conditions in the zone that constitute pervasive poverty, unemployment, and economic distress for purposes of Subsection (b) of Section 4 of this Act;

(2) a description of each municipality's or county's procedures and efforts to facilitate and encourage participation by and negotiation between all affected entities in the zone in which the qualified business is located;

(3) an economic analysis of the plans of the qualified business for expansion, revitalization, or other activity in the zone, including the anticipated number of new permanent jobs it will create, the anticipated number of permanent jobs it will retain, the amount of investment to be made in the zone, and other information that the department requires; and

(4) a description of the local effort made by the municipality or county, the administrative authority, the qualified business, and other affected entities to achieve development and revitalization of the zone.

(c) The department may not designate a nominated qualified business as an enterprise project unless it determines that:

(1) the qualified business is located in or has made a substantial commitment to locate in an enterprise zone having an unemployment rate of not less than one and one-half times the state unemployment rate, or a population loss

of at least 12 percent during the most recent six-year period, or a [an annualized] population loss of at least four [two] percent for the most recent three-year [six-year] period;

(2) the applicant governing body or bodies have demonstrated that a high level of cooperation between public, private, and neighborhood entities exists in the zone; and

(3) the designation of the qualified business as an enterprise project will contribute significantly to the achievement of the plans of the applicant governing body or bodies for development and revitalization of the zone.

(f) The department shall allocate to each enterprise project at the time of its designation a job ceiling number representing the maximum number of new permanent jobs eligible to be included in any calculation for a tax refund for the enterprise project. The job ceiling number for a project may not exceed 625 or a number equal to 110 percent of the number of new permanent jobs that a qualified business in its application for designation commits to create during the five-year term of its designation as an enterprise project, whichever is less. The maximum number of new permanent jobs that may be allocated by the department among all enterprise projects designated under this section between August 31, 1991, and August 31, 1993, is 10,000 [may designate the following number of enterprise projects in this state:

[~~(1) 10 enterprise projects in the state fiscal year ending August 31, 1988;~~

[~~(2) 15 enterprise projects in the state fiscal year ending August 31, 1989;~~

[~~(3) 25 enterprise projects in the state fiscal year ending August 31, 1990; and~~

[~~(4) 25 enterprise projects in the state fiscal year ending August 31, 1991].~~

(k) The number of new permanent jobs [enterprise projects] that have not been allocated [designated] before the end of each state fiscal year may be allocated [designated] in subsequent fiscal years, except that an enterprise project may not be designated after August 31, 1993 [~~1991~~].

SECTION 48. Subsections (b) through (e), Section 12, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), as amended by Section 2, Chapter 471, and Section 11, Chapter 1106, Acts of the 71st Legislature, Regular Session, 1989, are reenacted to reconcile those amendments to read as follows:

(b) In addition to the program authorized by Subsection (a) of this section, to promote the public health, safety, or welfare, the governing body of a municipality or county may establish a program to refund its local sales and use taxes paid by a qualified business or qualified employee.

(c) The governing body of a municipality or county that nominated an enterprise zone designated by the department may provide for the partial or total refund of its local sales and use taxes paid by a person making a taxable purchase, lease, or rental for purposes of development or revitalization in the zone.

(d) A qualified business, qualified employee, or person entitled to a refund of local sales and use taxes under this section shall pay the entire amount of state and local sales and use taxes at the time they would otherwise be due without reduction because of any agreement with a municipality or county for the refund of local sales and use taxes.

(e) Any agreement to refund local sales and use taxes under this section must be in writing, contain an expiration date, and require the beneficiary to provide documentation necessary to support a refund claim to the municipality or county granting the refund. The municipality or county granting a refund shall make the refund directly to the beneficiary in the manner set out in the agreement.

SECTION 49. Section 13, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), as amended by Section 3, Chapter 471, and Section 12, Chapter 1106, Acts of the 71st Legislature, Regular Session, 1989, is reenacted to reconcile those amendments to read as follows:

Sec. 13. REDUCTION OR ELIMINATION OF FEES AND TAXES. To promote the public health, safety, or welfare, the governing body of a municipality or county may establish a program by which it reduces or eliminates any fees or taxes, other than sales and use or property taxes, that it imposes on a qualified business or qualified employee. The governing body of a municipality or county may not reduce or eliminate local sales and use taxes except to the extent it grants a refund under Section 12 of this Act.

SECTION 50. Section 14, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. OTHER LOCAL INCENTIVES. The governing body of a municipality or county that nominated an enterprise zone designated by the department may:

- (1) defer compliance in the zone with subdivision and development ordinances and regulations, other than those governing streets and roads or sewer or water services;
- (2) give priority to the zone for the receipt of urban development action grant money, community development block grant money, industrial revenue bonds, or funds received under the Texas Job-Training Partnership Act (Article 4413(52), Vernon's Texas Civil Statutes);
- (3) adopt and implement a plan for police protection in the zone;
- (4) amend zoning ordinances to promote economic development in the zone;
- (5) establish preferences for businesses in the zone in permit processes;
- (6) establish simplified, accelerated, or other special permit procedures for businesses in the zone;
- (7) waive development fees for projects in the zone;
- (8) create a local enterprise zone fund for funding bonds or other programs or activities to develop or revitalize the zone;
- (9) reduce utility rates for qualified businesses in the zone charged by:
 - (A) utilities owned by the municipality or county; or
 - (B) subject to agreement of the affected utility and the approval of the appropriate regulatory authority under Sections 16 and 17, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), by a cooperative or a utility owned by private investors except that rates of the utility for qualified businesses in the zone may not be reduced more than five percent and the appropriate regulatory authority in setting the rates of the utility shall allow the utility to recover the amount of the reduction;
- (10) give priority to persons or projects in the zone in issuing housing finance bonds; [or]
- (11) give priority in providing services to local economic development, educational, job training, or transportation programs that benefit the zone; or
- (12) sell real property owned by the municipality or county and located in the enterprise zone in accordance with Section 20 of this Act.

SECTION 51. Subsection (e), Section 15, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) Each state agency rule adopted after September 1, 1987, when applicable, may provide encouragements and incentives to increase rehabilitation, renovation, restoration, improvement, or new construction of housing and to increase the economic viability and profitability of business and commerce in enterprise zones.

In addition, each state agency annually shall review the rules it administers that may negatively impact the rehabilitation, renovation, restoration, improvement, or new construction of housing or the economic viability and profitability of business and commerce in enterprise zones, or that may otherwise affect the implementation of this Act, and shall report the results of each review to the department. The department shall disseminate the reports to enterprise zone governing bodies and others as necessary to advance the purposes of this Act. An agency may take the necessary steps to waive, modify, create exemptions to, or otherwise minimize the adverse effects of those rules on the rehabilitation, renovation, restoration, improvement, or new construction of housing or the economic viability and profitability of business and commerce located in enterprise zones and contribute to the implementation of this Act.

SECTION 52. Subsection (b), Section 18, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The state treasurer is authorized and encouraged to deposit state money in financial institutions located in or doing business in enterprise zones.

SECTION 53. Subsection (b), Section 20, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) In addition to the methods of disposal provided in Subsection (a), a [A] municipality or county may sell a surplus building or vacant land in the zone at less than fair market value if the governing body of the municipality by ordinance or the governing body of the county by order adopts criteria specifying the conditions and circumstances under which the sale may occur and the public purpose that will be achieved. The surplus building or vacant land may be sold to a buyer who is not the highest bidder if the criteria and public purpose specified in the ordinance or order are satisfied. A copy of the ordinance or order must be filed with the department not later than the day the sale occurs.

SECTION 54. (a) Section 151.429, Tax Code, is amended by amending Subsection (f), as amended by Section 5, Chapter 471, and Section 22, Chapter 1106, Acts of the 71st Legislature, Regular Session, 1989; amending Subsections (b) and (e) to read as follows:

(b) Subject to the limitations provided by Subsection (c) of this section, an enterprise project qualifies for a refund of taxes under this section of \$2,000 for each new permanent job that the enterprise project provides for a qualified employee during the period of its designation as an enterprise project.

(e) In this section, "enterprise project," "enterprise zone," "new permanent job," and "qualified employee" have the meanings assigned to those terms by Section 3, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes).

(f) For the purposes of Subsection (a), items bought by a project after the date it is designated as a project, or within 90 days before the date of designation, may be considered eligible for refund.

~~[(f) For the purposes of Subsection (a) of this section, items purchased by an enterprise project after the 91st day preceding the date it is designated as a project may be considered eligible for the refund.]~~

(b) An enterprise project designated under the Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes) after August 31, 1991, may not apply for a refund of taxes under Section 151.429, Tax Code, until after August 31, 1993.

SECTION 55. Section 171.1015, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) An enterprise project designated under the Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes) after August 31, 1991, may not receive a tax deduction under Section 171.1015, Tax Code, until after August 31, 1993.

SECTION 56. A municipality that is ineligible due to population as enacted under Chapter 223, Acts of the 72nd Legislature, 1991 to adopt an additional sales and use tax to reduce property taxes may submit a resolution to the Texas Department of Commerce requesting that the municipality be authorized to enact such provisions. Upon the receipt of a resolution by the governing body of a municipality, the department shall designate the municipality as eligible to adopt the sales and use tax as provided by law.

SECTION 57. (a) Sections 2.06, 2.07, 2.08, 2.09, and 2.10, Article 4413(501), Revised Statutes, as added by this Act, take effect January 1, 1992, and on that date the powers, duties, and obligations of the Texas Department of Commerce relating to the community development block grant program are transferred to the Texas Department of Housing and Community Affairs. On January 1, 1992, the Texas Department of Commerce shall transfer all property of the department relating to the powers, duties, and obligations being transferred and all records relating to the powers, duties, and obligations being transferred in its custody to the Texas Department of Housing and Community Affairs.

(b) On the transfer of all property and records under Subsection (a) of this section:

(1) a rule, form, or policy adopted by the Texas Department of Commerce relating to the powers, duties, and obligations being transferred becomes a rule, form, or policy of the Texas Department of Housing and Community Affairs; and

(2) a contract made by the Texas Department of Commerce relating to the powers, duties, and obligations being transferred becomes a contract made by the Texas Department of Housing and Community Affairs.

(c) On January 1, 1992, all funds appropriated to the Texas Department of Commerce for the powers, duties, and obligations related to the community development block grant program are transferred to the Texas Department of Housing and Community Affairs.

(d) On January 1, 1992, all personnel employed by the Texas Department of Commerce for the administration of the powers, duties, and obligations related to the community development block grant program are transferred to the Texas Department of Housing and Community Affairs.

(e) On January 1, 1992, the state community development review committee established by Section 481.193, Government Code, repealed by this Act, shall transfer all property and records in its custody to the state community development review committee created by Section 2.10, Article 4413(501), Revised Statutes, as added by this Act, and on that transfer the state community development review committee established by Section 481.193, Government Code, is abolished.

SECTION 58. On January 1, 1992, the powers, duties, and obligations of the governing board of the Texas Department of Commerce are transferred to the executive director of the Texas Department of Commerce and the policy board to the Texas Department of Commerce as provided by this Act, and a rule, form, or policy adopted by the board becomes a rule, form, or policy of the executive director or policy board, as appropriate. On the transfer of powers, duties, and obligations, the governing board of the Texas Department of Commerce is abolished.

SECTION 59. Members of the governing board of the Texas Department of Commerce, as it existed before the effective date of this Act, shall continue to serve as members of the policy board until their terms as members of the governing board of the Texas Department of Commerce would have expired.

SECTION 60. (a) The governor shall make the initial appointment of the executive director of the Texas Department of Commerce on or before January 1, 1992.

(b) The initial term of the executive director expires on February 1, 1993. On expiration of that term, the term of the executive director is two years, as provided by Section 481.005, Government Code, as amended by this Act.

SECTION 61. The term of office of each member currently serving on an advisory board created under Section 481.007, Government Code, as amended by Chapter 332, Acts of the 72nd Legislature, Regular Session, 1991, continues until the current term expires.

SECTION 62. (a) Except as provided in Subsection (b) of this section, this Act takes effect September 1, 1991.

(b) Sections 36 through 38 take effect January 1, 1992. Sections 40 through 55 of this Act and this section take effect September 1, 1991. If those sections may not take effect on that date under Article III, Section 39, of the Texas Constitution, those sections take effect December 1, 1991.

(c) Sections 40 through 55 of this Act apply to taxes due on or after the effective date of those sections. Taxes due before the effective date of those sections are governed by the law in effect when the taxes became due, and that law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 63. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

Amendment - Dutton

Amend C.S.S.B. 41 as follows:

Insert the following appropriately numbered sections to read as follows and renumber the following sections appropriately:

SECTION _____. Subsections (f), (g), (i), and (j), Section 21, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), are amended to read as follows:

(f) Following the organization of the association, its board of directors must apply to the governing body or the department for certification as a neighborhood enterprise association.

(g) The governing body or the department may not grant its approval unless the association has hired or appointed a suitable chief executive officer.

(i) A neighborhood enterprise association may provide the following public services with the approval of and in coordination with the existing responsible state or local governmental entities:

- (1) establishment of crime watch patrols within the neighborhood area;
- (2) establishment of volunteer day-care centers;
- (3) organization of recreational activities for neighborhood area youth;
- (4) garbage collection;
- (5) street maintenance and improvements;
- (6) bridge maintenance and improvements;
- (7) maintenance and improvements of water and sewer lines;
- (8) energy conservation projects;
- (9) health and clinic services;
- (10) drug abuse programs;
- (11) senior citizen assistance programs;
- (12) park maintenance;

(13) rehabilitation, renovation, and operation and maintenance of low and moderate income housing; and

(14) other types of public services as provided by law or regulation.

(j) These services may be provided by the association or, after agreement with the relevant state or local governmental entity [government], by private firms and organizations when feasible and prudent. An existing responsible unit of government may contract with a neighborhood enterprise association to provide services in an amount corresponding to the amount of money saved by the unit of government through this method of providing a service.

SECTION _____. Subsection (b), Section 311.010, Tax Code, is amended to read as follows:

(b) The board of directors of a reinvestment zone may enter into agreements as the board considers necessary or convenient to implement the project plan and reinvestment zone financing plan and achieve their purposes. An agreement may provide for the regulation or restriction of the use of land by imposing conditions, restrictions, or covenants that run with the land. An agreement may dedicate revenue from the tax increment fund to pay the costs of replacing housing or areas of public assembly in or out of the zone. An agreement may dedicate revenue from the tax increment fund to pay a neighborhood enterprise association for providing services or carrying out projects authorized under Section 21, Texas Enterprise Zone Act (Article 5190.7, Vernon's Texas Civil Statutes), in the zone. The term of an agreement with a neighborhood enterprise association may not exceed 10 years.

The amendments were read.

Senator Glasgow moved to concur in the House amendments to S.B. 41.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 19 WITH HOUSE AMENDMENTS

Senator Krier called S.B. 19 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment - Hilderbran

Amend S.B. 19 by adding the following section, appropriately numbered, to read as follows:

SECTION 4. (a) The creation of the Uvalde County Underground Water Conservation District and all resolutions, orders, and other acts or attempted acts of the board of directors of the district are validated in all respects. The creation of the Uvalde County Underground Water Conservation District and all resolutions, orders, and other acts or attempted acts of the board of directors of the district are valid as though they originally had been legally authorized or accomplished.

(b) This section does not apply to or affect litigation pending on the effective date of this section in any court of competent jurisdiction in this state to which the district is a party.

Amendment - Yost

Amend S.B. 19 on page 2, line 23, between "waste" and the period at the end of the sentence by inserting the following:

"and Section 11.202 (d) and (e), Water Code, shall not apply to any land that is within a Chapter 52 Water District."

The amendments were read.

Senator Krier moved to concur in the House amendments to **S.B. 19**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

MOTION TO PLACE

SENATE CONCURRENT RESOLUTION 16 ON SECOND READING

Senator Carriker moved to suspend Senate Rules 7.14, 7.06(a), 7.06(b), 11.11 and the regular order of business to take up for consideration at this time on its second reading:

S.C.R. 16, Resolved that the 72nd Legislature of the State of Texas, 2nd Called Session, intends that the assets of the former Texas Federal Inspection Service are property of the State of Texas.

The motion was lost by the following vote: Yeas 16, Nays 12, Present-not voting 1. (Not receiving two-thirds vote of Members present)

Yeas: Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Johnson, Lucio, Moncrief, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Montford, Ratliff, Sibley, Sims.

Present-not voting: Rosson.

Absent: Lyon, Parker.

MOTION TO PLACE

SENATE RESOLUTION 98 ON SECOND READING

Senator Harris of Tarrant moved to suspend Senate Rules 7.14, 7.06(a), 7.06(b), 11.11 and the regular order of business to take up for consideration at this time on its second reading:

S.R. 98, Resolved that the Senate of the 72nd Texas Legislature, 2nd Called Session, hereby direct the Texas Commission on the Arts (TCA) to review, update, and implement new rules and plans for the establishment of an equitable procedure for the distribution of grant funds.

The motion was lost by the following vote: Yeas 8, Nays 19.

Yeas: Brown, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Moncrief, Sibley, Whitmire.

Nays: Barrientos, Bivins, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Johnson, Krier, Lucio, Montford, Ratliff, Rosson, Sims, Tejeda, Truan, Zaffirini.

Absent: Armbrister, Lyon, Parker, Turner.

HOUSE BILL 39 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business and Senate Rule 7.14 were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 39, Relating to the continuation, functions, and change of the name of the State Purchasing and General Services Commission, the transfer of responsibility for architectural barrier programs from the commission to the Texas Department of Licensing and Regulation, the transfer of responsibility for the personal property accounting system from the commission to the comptroller, and the acquisition by the commission of property and services; providing penalties.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 1

Amend H.B. 39 by striking all below the enacting clause and substituting in lieu thereof the following:

PART 1. CREATION AND ADMINISTRATION OF GENERAL SERVICES DEPARTMENT

SECTION 1.01. Title 20, Revised Statutes, is amended by adding Article 601k to read as follows:

Art. 601k. GENERAL SERVICES DEPARTMENT

Sec. 1. DEFINITIONS. In this article:

- (1) "Board" means the governing board of the department.
- (2) "Department" means the General Services Department.
- (3) "Director" means the executive director of the department.

Sec. 2. DEPARTMENT. The General Services Department is an agency of the state.

Sec. 3. APPLICATION OF SUNSET ACT. The General Services Department is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this article expires September 1, 1993.

Sec. 4. COMPOSITION OF GOVERNING BOARD. (a) The governing board of the department is the Board of General Services. The board is composed of six members.

(b) The members of the board are appointed by the governor with the advice and consent of the senate for staggered terms of six years with two members' terms expiring February 1 of each odd-numbered year.

(c) Appointments to the board shall be made without regard to the race, color, handicap, sex, religion, age, or national origin of the appointees.

Sec. 5. REMOVAL OF BOARD MEMBERS. (a) It is a ground for removal from the board if a member:

- (1) violates a prohibition established by Section 6 of this article;
- (2) cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or
- (3) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the board.

(b) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists.

(c) If the director has knowledge that a potential ground for removal exists, the director shall notify the presiding officer of the board of the ground. The presiding officer shall then notify the governor that a potential ground for removal exists.

Sec. 6. CONFLICT OF INTEREST. (a) A member of the board or a director or employee of the department may not:

- (1) be an officer, employee, or paid consultant of a business entity that contracts with the state;
- (2) directly own, control, or have any interest in a business entity that contracts with the state;
- (3) have a direct financial interest in a contract or bid for furnishing a state agency with goods or services; or
- (4) accept or solicit any gift, favor, or service that would reasonably tend to influence the person in the discharge of official duties or that the person knows or should know is being offered with the intent to influence official conduct.

(b) An officer, employee, or paid consultant of a business entity or a trade association of business entities that contracts with any agency of the state or that bids for furnishing supplies, services, or equipment of any kind to any agency of the state may not be a member of the board or the director or an employee of the department.

(c) A person who is the spouse of an officer, manager, or paid consultant of a trade association of business entities that contracts with any agency of the state or that bids for furnishing supplies, services, or equipment of any kind to any agency of the state may not be a member of the board or the director or an employee of the department.

(d) For the purposes of this section, a trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(e) A person may not be a member of the board or the director or an employee of the department if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a business entity that has an interest in a contract with the state or a profession related to the operation of the department.

Sec. 7. OFFICERS; COMPENSATION; MEETINGS. (a) The governor designates the presiding officer of the board. The board shall elect from among its members an assistant presiding officer and a secretary.

(b) The board shall meet at least quarterly.

(c) A member of the board may not receive compensation for service on the board. A member is entitled to receive reimbursement, subject to any applicable limitation on reimbursement provided by the General Appropriations Act, for actual and necessary expenses incurred in performing services as a member of the board.

(d) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

Sec. 8. GENERAL POWERS AND DUTIES. (a) The board may adopt rules for its internal management and control.

(b) The board shall perform the duties assigned to the department under this article or other law.

(c) The board possesses the powers and shall perform the duties assigned by law to the State Purchasing and General Services Commission or its predecessors in function.

(d) The board shall report to the governor annually and to the legislature at each regular session on the department's activities. The board may make recommendations in those reports on matters under its jurisdiction. The board shall recommend amendments to current law that would result in increased effectiveness, efficiency, or economy in the areas under its jurisdiction. The board may make other reports in its discretion.

(e) The board may appoint advisory committees to assist it in the performance of its duties. A member of an advisory committee appointed by the board may not receive compensation for service on the advisory committee. A member appointed under this article is entitled to receive reimbursement, subject to any applicable limitation on reimbursement provided by the General Appropriations Act, for actual and necessary expenses incurred in performing services as a member of the advisory committee.

Sec. 9. DIRECTOR; DIVISION OF DEPARTMENTAL DUTIES. (a) The governor with the advice and consent of the senate shall appoint the executive

director of the department. The director serves for a two-year term that expires February 1 of each odd-numbered year. The director shall execute a bond payable to the state in an amount set by the members of the board conditioned on the faithful performance of the duties of the office. Premiums for the bond are payable from appropriations to the department. The director must have demonstrated executive and organizational ability.

(b) The director shall manage the affairs of the department. The director shall establish divisions and positions within the department that the director considers necessary to perform the department's duties.

(c) The director shall provide administrative support to the members of the board that is necessary for the performance of the functions of the members.

(d) The members of the board shall establish policy, adopt rules that the board may adopt under law, evaluate the implementation of new legislation that affects the department's duties, review and comment on the department's budget, prepare an annual report of the department's activities, conduct investigations and studies, and develop long-range plans for the future goals and needs of the department. The members of the board may not be involved in the daily operation of the department. The board may delegate to the director the duties of the board under this article and other law that are not covered by the description of the members' duties under this subsection.

Sec. 10. PERSONNEL. (a) The director shall employ personnel necessary for the performance of department functions. In addition to other personnel, the director shall employ a human rights officer and an internal auditor. The internal auditor shall report directly to the governor.

(b) The director shall provide to board members and department employees, as often as necessary, information regarding their qualifications for office or employment under this article and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.

(c) The board and director shall jointly develop and implement policies that clearly define the respective responsibilities of the members of the board and the director and staff of the department in accordance with this article.

(d) The director or the director's designee shall develop an intra-agency career ladder program. The program shall require intra-agency postings of all nonentry level positions concurrently with any public posting.

(e) The director or the director's designee shall develop a system of annual performance evaluations. All merit pay for department employees must be based on the system established under this subsection.

(f) The director or the director's designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, handicap, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel;

(2) a comprehensive analysis of the department work force that meets federal and state guidelines;

(3) procedures by which a determination can be made of significant underuse in the department work force of all persons for whom federal or state guidelines encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of significant underuse.

(g) A policy statement prepared under Subsection (f) of this section must cover an annual period, be updated at least annually, and be filed with the governor's office.

(h) The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (g) of this section. The report may be made separately or as a part of other biennial reports made to the legislature.

Sec. 11. FISCAL REPORT. The department shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the department during the preceding fiscal year. The annual report must be in the form and reported in the time provided by the General Appropriations Act.

Sec. 12. PUBLIC INTEREST INFORMATION AND COMPLAINTS. (a) The department shall prepare information of public interest describing the functions of the department and the department's procedures by which complaints are filed with and resolved by the department. The department shall make the information available to the public and appropriate state agencies.

(b) The department shall keep an information file about each complaint filed with the department that the department has authority to resolve. If a written complaint is filed with the department that the department has authority to resolve, the department, at least quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an undercover investigation.

(c) The department shall prepare and maintain a written plan that describes how a person who does not speak English or who has a physical, mental, or developmental disability can be provided reasonable access to the department's programs.

PART 2. DEPARTMENT FUNCTIONS UNDER STATE PURCHASING AND GENERAL SERVICES ACT

SECTION 2.01. Section 1.02(1), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(1) "Commission" means the [State Purchasing and] General Services Department [Commission].

SECTION 2.02. Section 1.03, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by Chapter 677, Acts of the 72nd Legislature, Regular Session, 1991, is amended by adding Subsections (e) and (f) to read as follows:

(e) The commission shall appoint an advisory committee with at least three members composed of owners of disadvantaged businesses. A committee member serves at the will of the commission. A committee member may not receive compensation for service on the committee but is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the committee. The committee, in coordination with the Department of Commerce Office of Minority Business Development, shall study the commission's rules and procedures that relate to bidding, purchasing, and contracting with the state in general. The committee shall recommend changes in law to the legislature and changes in rules to the commission that are necessary to facilitate the participation of disadvantaged businesses in state contracting. The commission shall issue a report outlining such recommendations and outlining the results of efforts undertaken by the commission under this section and Sections 3.10(b) and 5.36 of this Act. The report shall be submitted to the governor and to the presiding officer of each house of the legislature prior to January 1, 1993.

(f) This section and Sections 3.10(b) and 5.36 of this Act do not exempt the commission from competitive procurement requirements provided by law.

SECTION 2.03. Section 3.01(c), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) "Services," as used in this article, means the furnishing of skilled or unskilled labor or professional work but does not include:

- (1) professional services covered by the Professional Services Procurement Act (Article 664-4, Vernon's Texas Civil Statutes);
- (2) services of an employee of a state agency;
- (3) ~~consulting services or services of a private consultant as defined by Chapter 454, Acts of the 65th Legislature, Regular Session, 1977 (Article 6252-11c, Vernon's Texas Civil Statutes); or~~
- ~~[(4)]~~ services of public utilities; or
- (4) services to which Article 601i, Revised Statutes, applies.

SECTION 2.04. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.012 to read as follows:

Sec. 3.012. PRIORITIES. The commission to the extent possible shall focus its efforts under this article on purchases and contracts that involve relatively large amounts of money.

SECTION 2.05. Section 3.022(f), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(f) The commission shall make a written award of a purchase or lease to the offeror whose proposal is the most advantageous to the state, considering price and the evaluation factors in the request for proposals, except that if the commission finds that none of the offers is acceptable, it shall refuse all offers. In determining which proposal is most advantageous to the state, the commission shall consider factors such as installation costs, the overall life of the system or equipment, the cost of acquisition, operation, and maintenance of hardware included with, associated with, or required for the system or equipment during the state's ownership or lease, and the cost of acquisition, operation, and maintenance of software included with, associated with, or required for the system or equipment during the state's ownership or lease. [The commission may not use any other factors or criteria in its evaluation.] The contract file must state in writing the basis on which the award is made.

SECTION 2.06. Sections 3.08(a), (c), (e), and (f), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) State agencies are delegated the authority to purchase supplies, materials, and equipment if the purchase does not exceed \$5,000, although an agency may continue to use the commission's services for those purchases [\$500]. The commission by rule shall prescribe procedures for these purchases, and by rule may delegate to state agencies the authority to purchase supplies, materials, or equipment if the purchase exceeds \$5,000 [\$500].

(c) Competitive bidding, whether formal or informal, is not required for a purchase by a state agency if the purchase does not exceed \$1,000 [\$100], or a greater amount prescribed by rule of the commission.

(e) Large purchases may not be divided into small lot purchases in order to meet the specified dollar limits. The commission may not require that unrelated purchases be combined into one purchase order in order to exceed the specified dollar limits.

(f) Agencies making purchases under this section for which competitive bidding is required must attempt to obtain at least three competitive bids from sources which normally offer for sale the merchandise being purchased and must comply with Section 3.101 of this article.

SECTION 2.061. Section 3.10, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by Chapter 677, Acts of the 72nd Legislature, Regular Session, 1991, is amended by adding Subsection (c) to read as follows:

(c) The commission shall make a good faith effort to assist Texas businesses to receive a significant percentage of the total value of all contract awards for the purchase of supplies, materials, services, and equipment that the commission expects to make for a state agency in its fiscal year.

SECTION 2.07. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.101 to read as follows:

Sec. 3.101. BIDDERS LISTS. (a) This section:

(1) applies to all purchases under this article for which competitive bidding or competitive sealed proposals are required;

(2) applies to all state agencies that make purchases under this article, including the commission and agencies that make purchases under Section 3.06 of this article; and

(3) does not apply to purchases made by the commission under Section 3.11 of this article.

(b) The commission shall develop a uniform registration form for application to do business with the commission or with any state agency. The registration forms shall constitute a valid application for a bidders list by all state agencies. This subsection does not prevent a state agency from developing and using its own registration form, but such forms may not be required in addition to or in lieu of the uniform registration form developed by the commission.

(c) Each state agency shall maintain a bidders list and annually register on the list the name and address of each vendor that applies for registration in accordance with rules adopted under this section. An agency may include other relevant vendor information on the list. Each agency shall solicit bids or proposals from all eligible vendors on the list, as provided by this section, when the agency proposes to make a purchase that will cost more than \$5,000.

(d) A state agency may charge applicants for registration a fee and may charge registrants an annual renewal fee in an amount designed to recover the agency's costs in developing and maintaining its bidders list and in soliciting bids or proposals under this section. An agency shall set the amount of the fees by rule.

(e) Each state agency shall adopt procedures for developing and maintaining its bidders list and procedures for removing inactive vendors from the list.

(f) Each state agency shall establish by rule a vendor classification process under which only vendors that may be able to make a bid or proposal on a particular purchase are solicited under this section.

(g) The commission may establish by rule a process under which the requirement for soliciting bids or proposals from eligible vendors on the bidders list may be waived for appropriate state agencies or appropriate purchases in circumstances in which the requirement is not warranted. The commission also may assist state agencies regarding issues that arise under this section.

SECTION 2.08. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.102 to read as follows:

Sec. 3.102. CERTAIN BIDS AND CONTRACTS PROHIBITED. A state agency may not accept a bid or award a contract that includes proposed financial participation by a person who received compensation from the agency to participate in the preparation of the specifications or request for proposals on which the bid or contract is based. A bidder or contract participant may provide free technical assistance to an agency under this section.

SECTION 2.09. Section 3.11(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) Bidders List. The commission shall maintain a bidders list and shall add or delete names from the list by the application and utilization of applicable standards

set forth in Subsection (e) of this section. Bid invitations shall be sent only to those who have expressed a desire to bid on the particular types of items which are the subject of the bid invitation. Use of the bidders list shall not be confined to contract purchases but it may be used by the commission ~~[as it may find desirable]~~ in making any purchase.

SECTION 2.10. Section 3.17, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.17. SPECIFICATIONS AND STANDARDS PROGRAM; TEST AND INSPECTION PROGRAM. (a) The commission shall have the authority to establish and maintain a specifications and standards program to coordinate the establishment and maintenance of uniform standards and specifications for materials, supplies, and equipment purchased by the commission. The commission shall enlist the cooperation of other state agencies in the establishment, maintenance, and revision of uniform standards and specifications and shall encourage and foster the use of standard specifications in order that the most efficient purchase of materials, supplies, and equipment may be continuously accomplished.

(b) As part of the standards and specifications program, the commission shall review existing contracts for recycling waste produced at state buildings. The commission shall review existing contracts and procedures to ensure that all services meet contract specifications.

(c) The commission shall [may also] establish and maintain a program of testing and inspecting to ensure that materials, supplies, services, and equipment meet specifications, and may make contracts for testing. If any state agency determines that any supplies, materials, services, or equipment received do not meet specifications, it shall promptly notify the commission in writing detailing the reasons why the supplies, materials, services, or equipment do not meet the specifications of the contract. The commission shall immediately determine whether or not the reported supplies, materials, services, or equipment meet specifications. The sole power to determine whether materials, supplies, services, and equipment meet specifications shall rest with the commission. The commission shall provide for the inspecting and testing of all costly purchases and may adopt rules necessary to carry out this duty. When the commission finds that contract specifications or conditions have not been complied with, it shall take action, with the assistance of the attorney general, if necessary, against the defaulting contractor. If the commission receives repeated complaints regarding a vendor, the commission may remove the vendor's name from the commission's bidders list. The commission may not remove a vendor's name from the commission's bidders list for a period exceeding one year unless the vendor's actions have caused serious harm to the state, its service recipients, or the public. The commission by rule shall adopt criteria for determining when a vendor should be removed from the bidders list.

SECTION 2.101. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.181 to read as follows:

Sec. 3.181. STATEWIDE OR REGIONAL SERVICES CONTRACTS; COMMISSION STUDIES. (a) The commission annually shall select for study at least one service that is purchased by one or more state agencies. The commission shall study a selected service to determine whether the state would benefit if the service were provided to appropriate state agencies under a regional or statewide contract. The commission shall give priority to studying services for which the commission has delegated the purchasing function to many state agencies.

(b) The commission is not required to enter into a statewide or regional contract for the provision of a service to state agencies if more than five bidders are willing to provide the service to the state under a statewide or regional contract.

SECTION 2.11. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.201 to read as follows:

Sec. 3.201. PREFERENCE FOR ENERGY EFFICIENT PRODUCTS. The commission shall give preference to energy efficient products in purchases made under this Act if:

(1) the products meet state specifications as to quantity and quality;
and

(2) the cost of the product is equal to or less than the cost of other similar products that are not energy efficient.

SECTION 2.12. Section 3.23, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.23. CONTRACTS WITH DEPARTMENT OF CRIMINAL JUSTICE [CORRECTIONS]. The commission is [hereby] authorized to make contracts with the Texas Department of Criminal Justice [Corrections] for the purchase of supplies, equipment, services, and materials for use by other state agencies.

SECTION 2.13. Section 3.29, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by amending Subsection (a) and by adding Subsections (g) and (h) to read as follows:

(a) A state agency may not purchase or lease a vehicle designed or used primarily for the transportation of persons, including a station wagon, that has a wheel base longer than 113 inches or that has more than 160 [145] SAE net horsepower. This provision does not apply to the purchase or lease of a vehicle to be used primarily for criminal law enforcement or a bus, motorcycle, pickup, van, truck, three-wheel vehicle, tractor, or ambulance.

(g) In this section, a vehicle is considered to be capable of using compressed natural gas or other alternative fuels if the vehicle is capable of using compressed natural gas or other alternative fuels either in its original equipment engine or in an engine that has been converted to use compressed natural gas or other alternative fuels after September 1, 1991, unless the time for compliance is extended under Subsection (h) of this section.

(h) The commission may extend the date by which a vehicle powered by a traditional gasoline or diesel engine shall be capable of using compressed natural gas or other alternative fuels as required under this section for one or more periods of 90 days, but not beyond September 1, 1992, if it finds a lack of ability to acquire such vehicles with original alternative fuels equipment, to acquire such vehicles which are able to be converted, or to convert such vehicles to use compressed natural gas or other alternative fuels.

SECTION 2.14. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.301 to read as follows:

Sec. 3.301. CREDIT CARDS. The commission may issue a state credit card to a state agency that may be used by the agency to make purchases that do not exceed \$250.

SECTION 2.15. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.32 to read as follows:

Sec. 3.32. SAFETY STANDARDS FOR ELECTRICAL ITEMS. The commission or another state agency may not purchase an electrical item unless the item meets applicable safety standards of the federal Occupational Safety and Health Administration.

SECTION 2.16. Article 4, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 4.081 to read as follows:

Sec. 4.081. NAMING OF PUBLIC BUILDINGS. Buildings owned by the state, including buildings financed under the Texas Public Finance Authority Act (Article 601d, Vernon's Texas Civil Statutes), shall be named in accordance with the procedure prescribed by this section. The commission shall submit names proposed for new state buildings, or proposals to rename existing state buildings, to the presiding officers of the house and senate. Approval of names to be placed on new state buildings, or the renaming of existing buildings, proposed by the commission shall be authorized only by concurrent resolution passed in a regular or special session of the legislature and signed by the governor. Any building, other than a building of an institution of higher education or a prison, that bears the name of a person must bear the name of a deceased person whose life was significant in the history of the state.

SECTION 2.17. Section 4.09, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4.09. REPORT ABOUT IMPROVEMENTS AND REPAIRS. The commission shall biennially on December 1st make a report to the governor showing all improvements and repairs that have been made with an itemized account of receipts and expenditures, and showing the condition of all property under its control with an estimate of needed improvements and repairs. The estimate shall be consistent with the recommendations made in the 10-Year Strategic Plan required by Section 5.35 of this Act.

SECTION 2.18. Subsections (g) and (m), Section 4.12, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are amended to read as follows:

(g)(1) The commission shall carry out the provisions of this section through a chief of Capitol security, selected by the executive director of the commission. The chief of Capitol security may be a commissioned peace officer and shall hold the position of a division director of the commission, exempt from the state employees classification system, reporting directly to the executive director of the commission. The chief shall develop and submit to the executive director for approval a plan that clearly sets forth the mission of the security function under this section. The chief shall also develop and submit to the executive director for approval personnel policies and procedures that relate to the security function under this section.

(2) The commission is authorized to employ other security officers for the purpose of assisting the chief in carrying out the provisions of this section and may commission such security officers as it deems necessary as peace officers. When so commissioned, said officers are [hereby] vested with all the powers, privileges, and immunities of peace officers; provided, that the chief and each security officer shall take and file the oath required of peace officers and shall execute and file with the commission a good and sufficient bond in the sum of \$1,000 payable to the governor of this state and his successors in office with two or more good and sufficient sureties conditioned that he will fairly and faithfully perform all of the duties as may be required of him by law, and that he will fairly and impartially enforce the law of this state and that he will pay over any and all money, or turn over any and all property, to the proper person legally entitled to the same, that may come into his possession by virtue of such office. Said bond shall not be void for the first recovery but may be sued on from time to time in the name of any person injured until the whole amount thereof is recovered. It shall be unlawful and constitute a misdemeanor punishable as provided in this section for any person or persons to impersonate the chief or any of said officers.

(m) Nothing herein contained shall be construed to abridge the authority of the commission to grant permission to use [the capitol grounds and] any grounds adjacent to any state building for such use as may be provided by preexisting law.

SECTION 2.19. Subsection (l), Section 4.15, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by Section 1, Chapter 1244, Acts of the 71st Legislature, Regular Session, 1989, is redesignated as Subsection (m) and amended to read as follows:

(m) [(f)] If the commission determines under Section 5.34 of this Act that the purchase of an existing building is more advantageous to the state than the construction of a new building but a purchase of the building would be subject to existing leases that exceed 15 percent of the total space in the building, the commission may purchase the building subject to existing leases notwithstanding Subsection (c) of this section. When an existing lease expires, the commission may renew the lease subject to this section, including Subsection (c).

SECTION 2.20. Section 5.01A(a), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) In acquiring real property, each using agency of the state, other than those specifically excluded by Sections 5.13 and 5.14 of this article, shall give first consideration to a building that is a historic structure under Section 442.001, Government Code [8, Chapter 500, Acts of the 55th Legislature, Regular Session, 1957 as amended (Article 6145, Vernon's Texas Civil Statutes)], or to a building that has been designated a landmark by the local governing authority, if the building meets requirements and specifications and the cost is not substantially higher than other available structures that meet requirements and specifications.

SECTION 2.21. Section 5.12, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.12. DEFINITIONS. The following terms whenever used or referred to in this article shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(1) "Using agency" means any instrumentality of the state which shall occupy and make use of a state-owned or state-leased building, and for the purpose of this article the commission shall be considered as the using agency for [the state capitol, the governor's mansion and for all other] state-owned buildings maintained by the commission.

(2) ["Commission"] means the State Purchasing and General Services Commission.

[(3)] "Project" means any building construction project, other than those specifically excluded by Sections 5.13 and 5.14 of this article, which shall be financed in whole or in part by specific appropriation, bond issue or federal funds. The term "project" shall include the construction of any building or any structure or any facility or utility appurtenant thereto, including original equipment and original furnishings thereof, and of any addition to, alteration, rehabilitation, or repair of any existing building or any structure, or any facility or utility appurtenant thereto.

(3) [(4)] "Project analysis" refers to work done prior to legislative appropriation for a project for the purpose of developing a reliable estimate of the cost of a project to be requested of the legislature.

(4) [(5)] "Cost of a project" includes, but shall not be limited to, the cost of all real estate, properties, rights and easements acquired, utility services, site development, the cost of construction and the initial furnishing and equipment thereof, all architectural and engineering and legal expenses, the cost of surveys and plans and specifications, and such other expenses, including those incurred by the commission, as are necessary or incident to determining the feasibility or practicability of any project.

(5) [(6)] "Construction" means and includes acquisition, construction, and reconstruction.

(6) [(7)] "Rehabilitation" means and includes renewal, restoration, extension, enlargement, and improvement.

(7) [(8)] "Equipment" and "furnishings" mean and include any equipment and furnishings whatsoever as may be necessary and required for the use of a project.

(8) [(9)] "Architect/engineer" means a person registered as an architect pursuant to Chapter 478, Acts of the 45th Legislature, Regular Session, 1937, as amended (compiled as Article 249a of Vernon's Texas Civil Statutes), and/or a person registered as a professional engineer pursuant to Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, as amended (compiled as Article 3271a of Vernon's Texas Civil Statutes), employed to provide professional architectural or engineering services and having overall responsibility for the design of a project. The term "architect/engineer" standing by itself may, unless the context clearly indicates otherwise, mean either an architect/engineer employed by the commission on a salary basis or an architect/engineer in private practice retained for a specific project under a contractual agreement with the commission. The term "private architect/engineer" shall specifically and exclusively refer to a registered architect or a registered engineer in private practice retained for a specific project under a contractual agreement with the commission.

(9) [(10)] "Stage construction" means the construction of a project in phases, each phase resulting in one or more buildings or structures which individually or together shall be capable of use regardless of whether subsequent phases of the project are authorized or not.

SECTION 2.22. Section 5.13(d), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) Sections 5.16, 5.17, 5.21, and 5.25 of this article apply to construction projects undertaken by or for the institutional division of the Texas Department of Criminal Justice [Corrections]. No other provisions of this article apply to construction projects undertaken by or for the institutional division of the Texas Department of Criminal Justice [Corrections].

SECTION 2.23. Section 5.16(c), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by Section 4 of Chapter 362 and Section 4 of Chapter 571, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

(c) A project analysis shall consist of (1) a complete description of the facility or project together with a justification of such facility or project prepared by the using agency, (2) a detailed estimate of the amount of space needed to meet the needs of the using agency and to allow for realistic future growth, (3) a description of the proposed facility prepared by an architect/engineer and including schematic plans and outline specifications describing the type of construction and probable materials to be used, sufficient to establish the general scope and quality of construction, (4) an estimate of the probable cost of construction, (5) a description of the proposed site of the project and an estimate of the cost of site preparation, [and] (6) an overall estimate of the cost of the project, (7) the information about historic structures considered instead of new construction that was prepared as required by Section 5.01A of this article, and (8) other information as required by the commission. A project analysis may include two or more alternative proposals for meeting the space needs of the using agency by (1) new construction, (2) acquisition and rehabilitation of an existing or historic structure, or (3) a combination of the above. If any part of the project involves the construction or rehabilitation of a building that is to be used primarily as a parking garage or for office space for the state government, the project analysis also shall include a description of the amount and location of space in the building that can be made available for lease, under Section 4.15 of this Act, to private tenants or shall include a statement of the reason that the lease of space in the building to private tenants

is not feasible. All estimates involved in the preparation of a project analysis shall be carefully and fully documented and incorporated into the project analysis.

Throughout the preparation of the project analysis, the commission and any private architect/engineer employed by the commission shall work closely and cooperatively with the using agency to the end that the project analysis shall fully reflect the needs of the using agency.

The using agency shall use the cost of the project as determined by such project analysis as the basis of its request to the budget offices of this state.

SECTION 2.24. Sections 5.16(a), (d), and (e), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Each using agency of the state which shall desire any project, other than those specifically excluded by Sections 5.13 and 5.14 of this article, shall prepare and submit to the commission a general description of the project. The project must conform to the space requirements developed by the commission under Section 5.37 of this Act and to the 10-Year Strategic Plan required by Section 5.35 of this Act. The commission shall review the description, taking into consideration the needs of the agency, the needs of other agencies, the feasibility of the project, and the feasibility of combining projects. The commission shall prepare a description of the project incorporating its own recommendations. The commission shall cause all such projects to be studied and shall initiate the preparation of a project analysis for all new construction projects and for all other projects where, in the opinion of the commission, the cost of preparing a project analysis is justified.

(d) In the case of projects where, in the opinion of the commission, the cost of a project analysis is not justified or required, the commission shall, in cooperation with the using agency, develop a realistic estimate of the cost of the project. When necessary, the commission shall arrange for an on-site inspection and analysis of the proposed project by a member of its staff. The using agency shall be informed of the cost estimate so developed and shall use such estimate as the basis of its request to the budget offices of this state. The agency shall notify the budget offices of the commission's recommendations under Subsection (a) of this section.

(e) On or before a date to be specified by the budget agencies of this state in each year immediately preceding a regular session of the legislature, the commission shall submit to the budget agencies a report listing all projects requested pursuant to this section and the commission's recommendations for each project. The list shall contain (1) a brief and specific justification of each project as prepared by the using agency, (2) a summary of the project analysis where one was made or a statement briefly describing the cost-estimating method used for projects for which a project analysis was not made, (3) a project cost estimate developed in accordance with the provisions of this section, with sufficient detail given to afford the budget agencies, the governor, and the legislature the widest possible latitude in developing policy in regard to each such project request, (4) an estimate, prepared by the commission with the cooperation of the using agency and with the cooperation of the private architect/engineer employed, of the annual cost of maintaining the completed project including the estimated cost of utility services, [and] (5) an estimate, prepared by the using agency, of the annual cost of staffing and operating the completed project exclusive of maintenance cost, and (6) an explanation of how the project would conform to the 10-Year Strategic Plan. Where appropriate, the commission, with input from ~~[the approval of]~~ the using agency, may indicate the feasibility of stage construction of a requested project and may indicate the degree to which funds would be required in the next biennium if the project were undertaken in stages.

SECTION 2.25. Section 5.18(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) If the expenditures for fine arts are authorized and appropriated by the legislature, the commission shall consult and cooperate with the Texas Commission on the Arts ~~[and Humanities]~~ for advice in determining how to utilize the portion of the appropriation to be used for fine arts projects.

SECTION 2.26. Sections 5.19(b) and (c), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) The agency or the governing body of a political subdivision may consult and cooperate with the Texas Commission on the Arts ~~[and Humanities]~~ for advice in determining how to utilize the portion of the cost set aside for fine arts purposes.

(c) The Texas Commission on the Arts ~~[and Humanities]~~ shall place emphasis on works by living Texas artists whenever feasible, and when consulting with the governing body of a political subdivision, shall place emphasis on works by artists who reside in or near the political subdivision. Consideration shall be given to artists of all ethnic origins.

SECTION 2.27. Section 5.20(c), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) Following final approval of the working plans and specifications and their acceptance by the using agency, the commission shall cause to be advertised in not less than two newspapers of general circulation for bids or proposals for performance of the construction and related work on the project. The commission shall allow bidders at least 30 days after the date that the commission issues the bid documents to respond to an invitation to bid, but the commission may shorten the period to prevent undue additional costs to a state agency or for emergency projects to prevent or remove a hazard to life or property. Subject to the applicable provisions of other law respecting the award of state contracts, the contract or contracts shall be awarded to the qualified bidder making the lowest and best bid; but no contract shall be awarded for a sum in excess of the amount which the comptroller shall certify to be available for such project. The commission shall have the right to reject any and all bids.

SECTION 2.28. Section 5.22, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Responsibility for the selection of a private architect/engineer employed for any project covered by the provisions of this article shall be vested in the commission. The commission shall adopt rules that state the criteria the commission uses to evaluate the competence and qualifications of private architects/engineers. The commission shall develop the rules in consultation with the Texas Board of Architectural Examiners and the State Board of Registration for Professional Engineers. The commission shall allow each private architect/engineer selected for an interview at least 30 days after the date the commission notifies the architect/engineer to prepare for the interview.

(c) In recognition of the close working relationship which must exist between the architect/engineer and the using agency, the commission shall request the using agency to make recommendations regarding private architects/engineers and shall consider any such recommendation in making its selection of a private architect/engineer to be employed for a particular project. The commission shall make its selection in accordance with the rules adopted under Subsection (b) of this section [generally accepted standards for such selection] and [in conformity with] the ethical standards of the professional societies of such architects/engineers.

SECTION 2.29. Section 5.26(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The commission shall cause the uniform general conditions of state building construction contracts to be reviewed whenever in its opinion such review is

desirable, but in no event less frequently than once every five years. The review shall be made by a committee appointed by the commission consisting of the director of facilities construction and space management, who shall serve ex officio as chairman of the committee and who shall vote only in the event of a tie; two persons appointed by the commission from a list of nominees submitted to it by the President of the Texas Society of Architects; two persons appointed by the commission from a list of nominees submitted to it by the President of the Texas Society of Professional Engineers; [and] two persons appointed by the commission from a list of nominees submitted to it by the Chairman of the Executive Council of the Texas Associated General Contractors Chapters; and two persons appointed by the commission from the list of nominees submitted to it by the Executive Secretary of the Mechanical Contractors Associations of Texas, Incorporated. Members of any review committee appointed pursuant to this subsection shall serve without compensation but may be reimbursed for their necessary and actual expenses.

SECTION 2.30. Sections 5.34(a) and (b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The commission shall continuously survey the office space needs of the state to determine the space needed and the location of the need. Before each legislative session, the commission shall submit to the Legislative Budget Board, the governor, the lieutenant governor, and the speaker of the house of representatives a report that identifies counties in which more than 50,000 square feet of usable office space is needed, and the commission's recommendations for meeting those needs. The commission may recommend the leasing or the purchasing and renovating of one or more existing buildings or the construction of one or more buildings. Recommendations must be consistent with the recommendations in the 10-Year Strategic Plan. The commission may collect appropriate information and data that it considers necessary for the development of its recommendations and report.

(b) If a legislative Act has permitted the issuance of bonds by the Texas Public Finance Authority or the Texas Public Building Authority to construct one or more buildings and improvements in a county, the commission may solicit and receive proposals, using the same procedures applicable to the purchase of other real property, for the purchase of one or more existing buildings with bond proceeds. If evaluation of the proposals by the commission demonstrates that purchase of one or more existing buildings would be an appropriate and financially advantageous means of meeting all or part of the state's office space needs in that county, the commission shall certify that fact to the appropriate authority and request the authority to issue all or any portion of its bonds previously authorized by the legislature for that purpose.

The determination of financial advantage shall be made after the commission has compared construction and purchase as fairly as possible considering such factors and imputing value as the commission considers appropriate, including but not limited to consideration of the following factors:

- (1) the estimated cost of construction and of acquiring land for the construction;
- (2) the anticipated purchase price for one or more existing buildings;
- (3) the estimated costs of converting one or more existing buildings to state building specifications, including reconstruction costs only when reconstruction is necessary;
- (4) the efficiency and suitability of an existing building's space as configured for the state's use;
- (5) the estimated occupancy dates for proposed construction versus an existing building;

(6) the value of an existing building's location, parking, landscaping, and other enhancements;

(7) the remaining useful life of mechanical components of an existing building; and

(8) the estimated cost of maintenance and operations, including telecommunications services, for each option considered by the commission.

SECTION 2.31. Section 5.35, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.35. DEVELOPMENT OF PLANS REGARDING CONSTRUCTION AND LEASES. (a) The commission shall prepare a long-range plan, called the 10-Year Strategic Plan, containing recommendations for the best use of state-owned and leased space [regarding the needs of state agencies in Travis County which obtain or occupy space under provisions of the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes)]. The plan may apply only to space in Travis County. The plan shall be updated biennially and submitted to the Governor's Office of Budget and Planning and the Legislative Budget Board not later than July 1 of each even-numbered year so that the information can be used in the development of appropriation and capital budget recommendations. In formulating the plan, the commission shall consider:

(1) the expiration of existing leases;

(2) financing alternatives;

(3) use of space within established guidelines;

(4) locating state agencies in the same building or at the same site to the extent that co-location is feasible;

(5) access to state services;

(6) anticipated savings;

(7) needs for future expansion of agencies and programs; and

(8) overall feasibility.

(b) ~~[The commission shall establish and maintain a six-year capital planning cycle and shall report biennially a master facilities plan. The plan and each update must be filed with the Governor's Office of Budget and Planning and with the Legislative Budget Board before July 1 of each even-numbered year.]~~ The plan must contain:

(1) the commission's projections [a projection] of the amount of space that state agencies will need during the next 10 years;

(2) an examination of the utilization, age, condition, and economic life of state-owned buildings on the inventory of the commission;

(3) an analysis, in accordance with Section 5.16 of this Act, of the projects which have been requested by state agencies and the commission's recommendations for the most efficient means of meeting the space requirements addressed by the project requests;

(4) an examination of the extent to which the state satisfies its need for space by leasing building space and the feasibility of converting to state-owned space;

(5) an examination of the state-paid operation and maintenance costs, including costs for telecommunications services, for existing buildings owned or leased by the state and recommendations for cost savings in this area;

(6) a discussion of the economic and market conditions affecting the costs of the construction or lease of buildings;

(7) recommendations concerning [an analysis of] whether the state will benefit more from satisfying its needs for space by engaging in new projects, by leasing built space, or by satisfying its needs in some other manner; and

(8) other information relevant to the long-range plan and either considered appropriate by the commission or requested in writing by the governor or the presiding officer of either house of the legislature.

(c) Each agency of the state which is housed, either wholly or partly, in facilities on the commission's inventory or in facilities leased through the commission shall be given a copy of the plan to be used in developing specifications for construction projects under Section 5.16 of this Act and in requesting lease space under Section 6.02 of ~~[participate in the long-range planning process required by]~~ this Act. Agencies shall also incorporate the plan's recommendations in developing information for the strategic planning process required by Article 6252-31, Revised Statutes, as added by Chapter 384, Acts of the 72nd Legislature, Regular Session, 1991.

(d) The Legislative Budget Board and the Governor's Office of Budget and Planning shall use the plan's recommendations in making budgeting and appropriations recommendations to the legislature.

(e) This section does not apply to an institution of higher education that complies with the requirements of Sections 61.0572 and 61.0582, Education Code.

SECTION 2.32. Section 5.36, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by Chapter 677, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

Sec. 5.36. PUBLIC WORKS CONTRACTS WITH CERTAIN BUSINESSES. (a) A state agency that enters into a contract for a project, including a project constructed by or for an agency otherwise excepted under Section 5.13 of this article, shall make a good faith effort to assist disadvantaged businesses to receive at least 10 percent of the total value of each construction contract award that the agency expects to make in its fiscal year. Each agency shall estimate the expected total value of contract awards under this article not later than the 60th day of its fiscal year and may revise the estimate as new information requires.

(b) A state agency that enters into a contract for a project, including a project constructed by or for an agency otherwise excepted under Section 5.13 of this article, shall make a good faith effort to assist Texas businesses to receive a significant percent of the total value of each construction contract award that the agency expects to make in its fiscal year.

SECTION 2.33. Article 5, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 5.37 to read as follows:

Sec. 5.37. STANDARDIZED SPACE REQUIREMENTS. (a) The commission shall develop standardized space requirements for better utilization of state-owned and leased space in Travis County. In developing these requirements, the commission shall consider:

- (1) the most efficient use of space per full-time equivalent employee;
- (2) the availability of state-owned space;
- (3) the availability and cost of lease space;
- (4) the feasibility of locating more than one agency at the same

location; and

- (5) the future needs of the agency.

(b) Each state agency housed in facilities in Travis County on the commission's inventory or in facilities in Travis County leased through the commission shall conform to the standard space requirements established by the commission.

(c) The commission shall monitor space used by state agencies in Travis County for compliance. Additional space requests may be delayed until the agency has conformed to the requirements established by the commission.

(d) The commission may temporarily exempt an agency from standard space requirements if a negotiated plan is developed to bring the agency into compliance.

(e) This section does not apply to an institution of higher education that complies with the requirements of Section 61.0572, Education Code.

SECTION 2.34. Section 6.01, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6.01. **DEFINITION [DEFINITIONS].** In this article, "space" means office space, warehouse space, laboratory space, storage space exceeding 1,000 gross square feet, or any combination thereof, but does not include aircraft hangar space, radio antenna space, boat storage space, vehicle parking space, residential space for a Texas Department of Mental Health and Mental Retardation program, or space to be utilized for less than one month for meetings, conferences, seminars, conventions, displays, examinations, auctions, or other similar purposes.

SECTION 2.35. Section 6.02(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) After consulting the state agency regarding the amount and type of space requested, the commission shall determine whether a need for the space exists and, if so, the specifications to be used in obtaining the space. The specifications for space in Travis County must be consistent with the standardized space requirements developed under Section 5.37 of this Act.

SECTION 2.36. Section 6.03, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6.03. **SHARING SPACE.** To the extent feasible, the [The] commission shall [may] consolidate the requests for space of two or more state agencies [with similar needs and obtain space] and allocate space obtained so that it can be shared by the agencies.

SECTION 2.37. Section 6.05(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by Section 3 of Chapter 779 and Section 5 of Chapter 1244, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

(b) The space may be leased from another state agency through an interagency contract, or from the federal government~~[- a commercial building which is 100 percent owned, either directly or indirectly, by a statewide Texas public retirement system]~~ or a political subdivision, including a county, a municipality, a school district, a water or irrigation district, a hospital district, a council of government, or a regional planning council, [or from a statewide Texas public retirement system in a commercial building that is 100 percent directly or indirectly owned by the retirement system;] through a negotiated contract. The space may also be leased, through a negotiated contract, from a statewide Texas public retirement system in a commercial building that is 100 percent directly or indirectly owned by the retirement system.

SECTION 2.38. Sections 6.05(d) and (j), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are amended to read as follows:

(d) When competitive bidding is used, the commission shall take into consideration moving costs, the cost of time lost in moving, and other factors, including the cost of telecommunications services, in determining the lowest and best bid.

The commission shall forward copies of all bids received to the leasing agency along with the commission's recommended award. If, after review of the bids and evaluation of all factors involved, the leasing agency determines that the bid selected by the commission is not in its opinion the lowest and best bid, it may file with the commission a written recommendation, complete with justification and full explanation of all factors considered in arriving at the recommendation, that the award be made to a bidder other than the commission's recommended bidder.

The commission shall give full consideration to the agency recommendation and if it does not agree with the agency recommendation, it shall notify the agency

in writing. The agency and the commission shall attempt to reach an agreement on the award.

If agreement is not reached within 30 days, all bids and pertinent documents shall be transmitted to the governor who shall designate the bidder to which the award shall be made.

(j) In leasing space for the use of state agencies, the commission shall give first consideration to a building that is a historic structure under Section 442.001, Government Code [8, Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes)], or to a building that has been designated a landmark by the local governing authority, if the building meets requirements and specifications and the cost is not substantially higher than other available structures that meet requirements and specifications. Upon consideration of the leasing of space for the use of a state agency, the commission shall notify all individuals and organizations that are within the county where the leasing is under consideration and that are on a list furnished to the commission by the Texas Historical Commission as required by Section 442.005, Government Code [8C of Chapter 500, Acts of the 55th Legislature, Regular Session, 1957 (Article 6145, Vernon's Texas Civil Statutes)]. At the end of a biennium, the commission shall report to the legislature the commission's reasons for rejecting during the biennium the lease of any historic structure whose owner bid to lease space to the state.

SECTION 2.39. Section 6.06, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6.06. **ELIMINATION OF BARRIERS TO HANDICAPPED PERSONS IN STATE BUILDINGS.** The commission may not enter a lease contract under this article unless it complies with the provisions of Article 9102, Revised Statutes, concerning architectural barriers [7 of this Act].

SECTION 2.40. Section 6.07, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6.07. **USE OF LEASED SPACE [REMEDIAL ACTION AGAINST LESSOR].** (a) An agency shall immediately occupy leased space unless otherwise provided in the lease contract. If space is not available for immediate occupancy or the agency cannot occupy the space immediately, the agency shall notify the commission of the circumstances.

(b) If an agency is not utilizing any part of the leased space at any time during the lease period, the agency shall notify the commission.

(c) The commission shall periodically inspect leased space to ensure maximum utilization. Underutilized space may be assigned to other agencies to the extent feasible.

(d) When a state agency occupies lease space and is aware of circumstances concerning the space which require remedial action against the lessor, the agency shall notify the commission, and the commission may investigate the circumstances and the lessor's performance under the contract.

(e) When the commission requests the assistance of the attorney general in protecting the state's interest under a lease contract, the attorney general shall assist the commission.

SECTION 2.41. Section 6.111, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6.111. **DELEGATION OF AUTHORITY TO INSTITUTIONS OF HIGHER EDUCATION.** The commission may delegate to an institution of higher education the authority to enter into space lease contracts financed from sources other than funds appropriated from general revenue, provided that an institution of higher education may not enter a lease contract under this section unless it complies with the provisions of Article 9102, Revised Statutes, [7 of this Act] concerning architectural barriers.

SECTION 2.42. Section 8.01(a), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) This article applies to personal property belonging to the state. ~~[All personal property belonging to the state shall be accounted for by the head of the agency that has possession of the property.]~~

SECTION 2.43. Section 8.01(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by Chapter 599, Acts of the 72nd Legislature, Regular Session, 1991, is reenacted to read as follows:

(b) The commission shall administer the property accounting system and maintain a complete and accurate set of centralized records of state property based on information supplied by state agencies or the uniform statewide accounting system. The property accounting system shall, to the extent possible, constitute the fixed asset component of the uniform statewide accounting system. The commission shall coordinate with the comptroller in issuing rules, instructions, and necessary requirements for the property accounting system, subject to review and comment by the state auditor. The rules, instructions, and requirements must be consistent with the requirements of the uniform statewide accounting system.

SECTION 2.44. Section 8.02(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) All personal property owned by the state shall be accounted for by the head of the agency that has possession of ~~[possesses]~~ the property. The commission shall by rule ~~[regulation]~~ define what is meant by personal property for the purposes of this article, but such definition shall not include nonconsumable personal property having a value of \$500 or less per unit. In promulgating such rules ~~[regulations]~~, the commission shall take into account the value of the property, its expected useful life, and if the cost of record keeping bears a reasonable relationship to the cost of the property on which records are kept. The commission shall consult with the state auditor in making such rules ~~[regulations]~~ and the auditor shall cooperate with the commission in the exercise of this rulemaking power by giving technical assistance and advice.

SECTION 2.45. Section 9.11, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9.11. PURCHASE OF LEGISLATIVE CHAIRS. Notwithstanding any provision of law to the contrary, upon the vacation of an office or the termination of employment, an elected officer, an appointed officer, or an executive head of a state agency within the legislative, executive, and judicial departments of state government may purchase the chair used by the officer or employee during his or her tenure of service for its fair market value. A determination of the fair market value of the chair shall be made by the commission for executive and legislative agencies other than the legislature, by the chief justice for judicial agencies, by the speaker of the house of representatives for the house of representatives, and by the lieutenant governor for the senate [A legislator may purchase the executive chair used by the legislator on the floor of the legislature if:

[(1) the legislator has not been reelected; and

[(2) the legislator pays into the state treasury the commission's estimate of the fair market value of replacement equipment.

[This section does not limit a legislator's right to purchase state-owned equipment in any other manner].

SECTION 2.46. Article 10, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 10.071 to read as follows:

Sec. 10.071. USE OF SYSTEM BY CERTAIN STUDENTS. (a) Institutions of higher education under Section 61.003, Education Code, that are authorized to use the system of telecommunications services established under this article may

allow students of the institution who reside in housing for which the institution provides telephone service to use the system of telecommunications services established under this article. An institution shall recover from a student who chooses to use the system the full pro rata cost attributable to that student's use, including costs identifiable for interconnection to and use of the local publicly switched network.

(b) The commission shall adopt rules that govern student access to the system, including times of access to the system, and the full recovery of actual costs from each student who uses the system.

(c) In consideration of the duties and responsibilities hereby given the commission under this Act, it shall be in keeping with the policy of this state that no state agency or unit of state government shall engage in the provision of telecommunications products or services to the general public in competition with private enterprise unless there is a finding that such activity is in the public interest. This shall not prohibit students who reside in housing for which institutions of higher education provide telephone service from using service provided under this section.

SECTION 2.47. Section 11.01(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) Any reference in the statutes to the State Board of Control or [means] the State Purchasing and General Services Commission means the General Services Department.

SECTION 2.48. Section 11.02, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by Chapters 778 and 791, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

Sec. 11.02. DELIVERY OF CERTAIN INTERAGENCY MAIL. (a) The commission shall operate a messenger service for handling the delivery of unstamped written communications and packages between state agencies, including the legislature and legislative agencies, located in Travis County. All such agencies shall utilize the service.

(b) Unless use of the United States Postal Service is required by state or federal law, a state agency subject to Subsection (a) of this section may not use the United States Postal Service for delivery of interagency mail to another state agency in Travis County, provided, however, state agencies subject to Subsection (a) are not prohibited from using an alternate delivery method.

(c) State warrants may be delivered upon agreement between the state comptroller, the commission, and the agency concerned.

(d) United States mail may be delivered to and from the post office located in the capitol complex on agreement of the commission and the agency concerned. ~~[(d)]~~ It is the intent of the legislature that mail be processed for delivery as expeditiously as its priority dictates and that mail not be unduly delayed solely for the purpose of achieving a lower rate of postage.

(e) In order to improve state agency management of mail operations and to reduce the state's mail costs, this Act requires that state agencies of the executive branch of state government established by the constitution or statutes of this state:

(1) evaluate their mail operations to identify and eliminate practices resulting in excessive mailing costs; and

(2) develop and implement plans and programs for making the necessary improvements in such operations.

(f) Not later than January 1, 1990, the commission ~~[State Purchasing and General Services Commission]~~ shall:

(1) evaluate the mail operations of agencies located in Travis County to make recommendations to identify and eliminate practices resulting in excessive mailing costs; and

(2) establish minimum mail-management objectives and responsibilities to be carried out by offices and units of these agencies.

(g) Not later than April 1, 1990, the commission [~~State Purchasing and General Services Commission~~] shall develop and submit to the governor and the legislative budget office a mail-management plan which provides for:

(1) improving the measurement of agency mail costs, in conjunction with the United States Postal Service, including considering the use of postage meters or stamps;

(2) determining the advantages to agencies of using mail presorting programs;

(3) determining the lowest cost class of mail necessary to effectively accomplish individual agency functions;

(4) evaluating the cost-effectiveness of using alternatives to the United States Postal Service for the delivery of agency mail; and

(5) training agency personnel regarding cost-effective mailing practices.

(h) The commission [~~State Purchasing and General Services Commission~~] shall:

(1) establish programs to implement the plan prepared under Subsection (g) of this section, including standards for receipt, delivery, collection, and dispatch of mail; and

(2) publish and disseminate mail-management standards, guides, and instructions and establish and implement procedures for monitoring compliance with such standards, guides, and instructions.

(i) State agencies in Travis County shall:

(1) periodically submit to the governor and the legislative budget office reports of their progress in achieving the objectives and other revisions of the plan required by Subsection (g) of this section, including an analysis of savings projected from the improvements in mail management provided for in such revised plan;

(2) designate a person to be responsible for the development and implementation of mail-management programs for all offices and units of the agency; and

(3) review and consolidate mailing lists used by the agency to distribute publications and other materials issued by the agency.

(j) When two or more state agencies are providing common services for mail management, those agencies may designate a single agency to report on behalf of all agencies participating under the contract.

SECTION 2.49. Article 11, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 11.06 to read as follows:

Sec. 11.06. PRINTING. (a) The commission may assist state agencies and assess and evaluate their printing activities. It may recommend changes designed to achieve increased productivity and cost-effectiveness of these operations. Recommendations may be reported to the appropriate associate deputy director periodically as determined by the rules of the commission.

(b) The commission may:

(1) adopt standard accounting procedures that permit the evaluation and comparison of the costs of printing operations conducted by state agencies;

(2) coordinate activities among state print shops;

(3) review state agency requisitions for new printing equipment;

(4) serve as a resource to state agencies to expedite the production of printing and graphic arts;

(5) maintain a current roster of state print shops and their equipment, facilities, and special capabilities;

(6) serve as a clearinghouse for private vendors of printing services to ensure that printing services and supplies are purchased in the most efficient and economical manner;

(7) coordinate the consolidation of print shops operated by state agencies when consolidation is determined to be appropriate by the agencies involved; and

(8) develop procedures for the recovery of the commission's reasonable costs, under the provisions of Chapter 317, Government Code, out of amounts appropriated to the state agencies in which identified savings are achieved.

(c) This section does not apply to an institution of higher education.

SECTION 2.50. Sections 13.03(a)-(d), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Each biennium a state agency subject to this article shall conduct competitive cost reviews of the functions performed by that agency as provided by this article and shall adopt rules to implement this article. If the agency has an internal auditor, the internal auditor shall coordinate the activities of the agency that are required under this article. The agency shall conduct management studies, develop agency in-house cost estimates, and conduct other activities as necessary to implement this article.

(b) In conducting a competitive cost review of the functions performed by a state agency, the agency shall analyze all agency activities, shall identify by November 1 of each year all commercial activities performed by the agency, and shall develop a schedule for the analysis of the commercial activities identified. For each commercial activity identified, the agency shall also at that time quantify in measurable units the amount of the activity performed by the agency and identify the amount of money budgeted for the activity by the agency. The administrative head of the agency shall promptly submit the agency's inventory of commercial activities, including the workload and budget information, together with its analysis schedule to the State Auditor, Legislative Budget Board, Governor's Office of Budget and Planning, Senate Finance Committee, House Appropriations Committee, and commission for review and comment. The agency shall then report its determinations to its governing body and shall submit the schedule to its governing body [for approval] by December 1 of each year for approval.

(c) After approval of the schedule by the governing body, the state agency shall conduct a management study of the agency functions specified in the schedule. The agency shall conduct the study in accordance with instructions issued by the commission. At the minimum, a management study must contain:

- (1) a description of the agency function;
- (2) an analysis of the quality and quantity of the work of the agency in relation to that function; and
- (3) a description of any efficiency initiatives that the agency could implement to perform the function more efficiently.

(d) The agency shall submit the completed management study to the commission for approval. After the commission has approved the study, the agency shall estimate the total cost to perform the function and submit each agency in-house cost estimate to the State Auditor for approval. If the agency has an internal auditor, the agency shall submit its cost estimate to its internal auditor for review before forwarding the cost estimate to the State Auditor.

SECTION 2.51. Article 13, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 13.031 to read as follows:

Sec. 13.031. COMPLAINT FROM PRIVATE ENTERPRISE. (a) In this section, "state agency" has the meaning assigned by Section 1.02 of this Act.

(b) A person, including a corporation, that manufactures, processes, sells, leases, distributes, provides, or advertises goods or services for profit, or a duly chartered nonprofit corporation engaged in such activities, may file a written complaint with the executive director of the commission and with the administrative head of a state agency alleging that the state agency has engaged in unfair competition with the person or corporation. The agency shall respond to the complaint and shall furnish the complainant and the commission with a copy of its response not later than the 90th day after the date that the agency receives the complaint.

(c) The commission shall keep a copy of each written complaint and response received under this section on file and available for public inspection for at least two years after the date that it received the complaint or response.

(d) This section does not apply to:

(1) the Texas Department of Criminal Justice; or

(2) an institution of higher education as defined by Section 61.003, Education Code.

SECTION 2.52. Section 13.05, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 13.05. DUTIES OF [STATE PURCHASING AND] GENERAL SERVICES COMMISSION. (a) The commission by rule shall issue instructions that govern the conduct of state agency management studies under Section 13.03 of this article.

(b) The commission shall conduct a cost comparison review. In conducting the cost comparison review, the commission shall:

(1) estimate the cost to purchase the service from the private sector.

In developing the estimate, the commission may use specific area surveys, state average costs or current bid data;

(2) determine if the quality and quantity of service that could be provided through purchase is at least equal to the quality and quantity of service proposed in the agency management study and in-house cost estimate;

(3) determine the total state cost incurred in providing the service based on the approved agency in-house cost estimate; and

(4) based on estimates of the total cost, compare the total cost to the state to purchase the service [services] with the total state cost of providing the service.

(c) [(b)] After consultation with the agency and State Auditor, the commission shall determine if the total state cost of providing the service exceeds the cost of purchasing the service. If the commission finds that at least the same quality and quantity of service can be purchased at a savings of more than 10 percent, the commission shall notify the chairman of the governing body of the agency of the amount by which the agency's costs exceed the costs of purchasing the service. The commission may request any information from a state agency necessary to accomplish the purpose of this subsection.

(d) The commission shall establish internal controls, when the commission conducts competitive cost reviews of its own commercial activity functions, to separate internally the duties performed by the commission as a state agency subject to this article and the duties performed by the commission for all state agencies subject to this article.

SECTION 2.53. Section 13.07, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 13.07. SAVINGS FROM EFFICIENCY INITIATIVE. Except for savings allocated to the productivity bonus program [(Article 6252-29, Vernon's

Texas Civil Statutes);] and the state employee incentive program (Article 6252-29a [6252-28], Vernon's Texas Civil Statutes), all savings that result from reduced costs under the efficiency initiative shall be used by the agency for treatment, rehabilitation, or other direct services the agency provides to persons it serves or, when savings result to the commission, for direct services the commission provides to state government.

SECTION 2.54. Section 13.09, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by Chapter 551, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

Sec. 13.09. APPLICATION. The state agencies subject to this article are:

- (1) the Texas Department of Mental Health and Mental Retardation;
- (2) the Texas Department of Human Services;
- (3) the Texas Department of Corrections;
- (4) the Department of Agriculture;
- (5) the Central Education Agency;
- (6) the Texas Higher Education Coordinating Board; [and]
- (7) the State Department of Highways and Public Transportation; and
- (8) the commission.

SECTION 2.55. Article 13, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 13.10 to read as follows:

Sec. 13.10. SUNSET REVIEW OF PROGRAM. (a) The competitive cost review program is subject to Chapter 325, Government Code (Texas Sunset Act), as if the program were a state agency subject to review under that chapter. Unless continued in existence as provided by that chapter, the program is abolished and this article of this Act expires September 1, 1995.

(b) To the extent Chapter 325, Government Code (Texas Sunset Act), imposes a duty on a state agency under review, the commission shall perform the duty as it applies to the competitive cost review program.

SECTION 2.56. Section 14.01, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14.01. DIVISION. The travel division of the commission is composed of the central travel office and the office of vehicle fleet maintenance. The commission shall adopt rules to implement this article, including rules related to:

- (1) the structure of travel agency contracts that the commission makes;
- (2) the procedures the commission uses in requesting and evaluating bids or proposals for travel agency contracts from providers; and
- (3) the use of negotiated contract rates for travel services by state agencies.

SECTION 2.57. Section 14.04, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14.04. FEES. Fees collected by the travel division under this article shall be deposited in the State Treasury to the credit of the General Revenue Fund unless a different disposition of the funds is required under federal law.

PART 3. SCHOOL BUSES

SECTION 3.01. Section 21.165, Education Code, is amended to read as follows:

Sec. 21.165. PURCHASE THROUGH GENERAL SERVICES DEPARTMENT ~~BOARD OF CONTROL~~. (a) The purchase of motor vehicles (including buses, bus chassis, bus bodies, tires, and tubes) by the General Services Department ~~Board of Control~~ shall be made in compliance with the provisions of this section.

(b) Whenever possible, the ~~[The]~~ purchase must be made on the basis of competitive bids submitted under ~~[such]~~ rules ~~[and regulations as may be]~~ made by the General Services Department ~~[Board of Control]~~.

(c) The purchase must be authorized by a requisition, which may be submitted by either a board of county school trustees or the board of trustees of a school district. The requisition must include a general description of the article or articles desired, as well as any other applicable matter specified in this section.

(d) If the requisition is for the purchase of a motor vehicle, bus, bus body, or bus chassis, it must be approved by either the county school board when funded under law or the board of trustees of a school district and by the commissioner of education.

(e) If the requisition is for the purchase of tires and tubes, it must be approved by the county superintendent or the chief administrative officer of a school district.

(f) If the requisition is for the purchase of special equipment required, because of climatic or road conditions, to guarantee adequate safety and comfort of school children, the requisition must describe the special conditions and requirements so that the General Services Department ~~[Board of Control]~~ may purchase equipment which it determines to be adapted or designed for the conditions or requirements.

(g) ~~The board of county school trustees or board of trustees of a school district shall [requisition must contain a certification as to the funds that will be available to] pay for the article or articles requisitioned as directed by the General Services Department.~~

SECTION 3.02. Section 21.174, Education Code, is amended by adding Subsections (h) and (i) to read as follows:

(h) In this section, a vehicle is considered to be capable of using compressed natural gas or other alternative fuels if the vehicle is capable of using compressed natural gas or other alternative fuels either in its original equipment engine or in an engine that has been converted to use compressed natural gas or other alternative fuels after September 1, 1991, unless the time for compliance is extended under Subsection (i) of this section.

(i) The General Services Department may extend the date by which a vehicle powered by a traditional gasoline or diesel engine shall be capable of using compressed natural gas or other alternative fuels as required under this section for one or more periods of 90 days, but not beyond September 1, 1993, if it finds a lack of ability to acquire such vehicles with original alternative fuels equipment, to acquire such vehicles which are able to be converted, or to convert such vehicles to use compressed natural gas or other alternative fuels.

SECTION 3.03. Section 21.180, Education Code, is amended to read as follows:

Sec. 21.180. PURCHASE OF VEHICLES. ~~[(a) Motor vehicles used for the purpose of transporting school children, including school buses, their chassis and/or bodies purchased through the state board of control, shall be paid for by the state board of control as set out in applicable laws. The legislature may appropriate out of any money in the state treasury not otherwise appropriated a sum not exceeding \$250,000, or as much thereof as necessary, for the state board of control to be used for such purposes.~~

~~[(b) Any sum appropriated shall be known as the school bus revolving fund. When motor vehicles and school buses are delivered to the various schools coming within the provisions of this subchapter, the governing bodies of those schools shall reimburse the state board of control for the money expended for such school buses including their chassis and/or bodies and the money shall be deposited by the state board of control in the school bus revolving fund.~~

~~[(c)] All purchases of motor vehicles must comply with the alternative fuels use requirements of Section 21.174.~~

SECTION 3.04. Sections 21.182(a), (d), and (h), Education Code, are amended to read as follows:

(a) As an alternative to purchasing school buses, a county or local district school board may contract with any person for use, acquisition, or lease with option or options to purchase any school bus or buses if, at the discretion of the school board, such a contract is determined to be economically advantageous to the school district and complies with the alternative fuels requirements of Section 21.174. Contracts may be in the form of a lease or a lease with option or options to purchase. A contract is in the form of a lease if it is a contract for the use and possession of one or more school buses for consideration. Ownership of a bus acquired through a lease or a lease with an option to purchase remains with the lessor unless the lessee exercises an option to purchase and purchases the bus under the option. A school bus that is leased or leased with an option to purchase under this section must meet or exceed the requirements related to safety that apply to purchased or privately operated school buses under Section 11.12. Contracts in the form of an installment purchase or any form other than a lease or a lease with option or options to purchase shall be subject to the provisions of Section 21.165, as well as rules [and regulations] of the [State Purchasing and] General Services Department [Commission].

(d) The competitive bidding requirements of Section 21.901 apply to each contract in the form of a lease or lease with an option to purchase under this section [Each county or district school board shall comply with the terms of the Bond and Warrant Law of 1931 (Article 2368a, Vernon's Texas Civil Statutes) in entering into contracts, including the requirement that certain contracts be awarded pursuant to public bids, except that it is not necessary for a school district to submit the question of entering into a contract to a referendum].

(h) A contract under this section may have any lawful term of not less than two or more than [not to exceed] 10 years. A county or local district school board that contracts under this section shall report the existence of the contract and the number of buses under the contract to the General Services Department within 45 days after the date the contract was made. A county or local district school board that terminates a contract under this section before the two-year minimum term has expired shall report the termination and the reason for the termination to the General Services Department within 45 days after the date the contract was terminated.

PART 4. ARCHITECTURAL BARRIERS

SECTION 4.01. Article 7, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is transferred to Title 132A, Revised Statutes, redesignated as Article 9102, Revised Statutes, and amended to read as follows:

Art. 9102 [ARTICLE 7]. ARCHITECTURAL BARRIERS

Sec. 1 [7-01]. POLICY. The provisions of this article are to further the policy of the State of Texas to encourage and promote the rehabilitation of persons with disabilities [handicapped or disabled citizens] and to eliminate, insofar as possible, unnecessary barriers encountered by [aged, handicapped, or disabled] persons with disabilities, whose ability to engage in gainful occupations or to achieve maximum personal independence is needlessly restricted when such persons cannot readily use public buildings.

Sec. 2 [7-02]. APPLICATION. (a) The standards and specifications adopted under this article shall apply to all buildings and facilities used by the public which are constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state. To such extent as is not contraindicated by federal law or beyond the state's power of regulation, these standards shall also apply to buildings and facilities constructed in this state through partial or total use of federal funds. All buildings and facilities constructed in this

state, or substantially renovated, modified, or altered, after the effective date of this article from any one of these funds or any combination thereof shall conform to each of the standards and specifications adopted under this article except where the governmental department, agency, or unit concerned shall determine, after taking all circumstances into consideration, that full compliance with any particular standard or specification is impracticable. Where it is determined that full compliance with any particular standard or specification is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the department [commission]. If it is determined that full compliance is not practicable, there shall be substantial compliance as determined by the department with the standard or specification to the maximum extent practical, and the file system maintained by the department shall include the written record of the determination that it is impractical to comply fully with a particular standard or specification and shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification.

(b) These standards and specifications shall be adhered to in those buildings and facilities under construction on the effective date of this article, unless the authority responsible for the construction shall determine that the construction has reached a state where compliance is impractical. This article shall apply to temporary or emergency construction as well as permanent buildings.

(c) These standards and specifications shall be adhered to in all buildings leased or rented in whole or in part for use by the state under any lease or rental agreement entered into on or after January 1, 1972. To such extent as is not contraindicated by federal law or beyond the power of the state's regulation, these standards shall also apply to buildings or facilities leased or rented for use by the state through partial or total use of federal funds. Facilities which are the subject of lease or rental agreements on January 1, 1972, will not be required to meet standards and specifications for the term of the existing lease or rental agreement but must be brought into compliance before a lease or rental agreement is renewed. Where it is determined by the governmental department, agency, or unit concerned that full compliance with any particular standard is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the department [commission]. If it is determined that full compliance is not practical, there shall be substantial compliance as determined by the department with the standard or specification to the maximum extent practical, and the file system maintained by the department shall include the written record of the determination that it is impractical to comply fully with a particular standard or specification and shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification.

(d) Except as otherwise provided in Subsection (e) of this section, these standards and specifications shall be adhered to in buildings defined as "public accommodation" by Section 301(7) of the Americans with Disabilities Act (ADA) of 1990 (P.L. 101-336) which are constructed or substantially renovated, modified, or altered on or after January 1, 1992 ~~[certain privately financed buildings, building elements, and improved areas which are open to public use for education, employment, transportation, or acquisition of goods and services, and which are constructed on or after January 1, 1978, in counties with a population of 45,000 or more. Such facilities include the following:~~

~~[(1) shopping centers which contain in excess of five separate mercantile establishments, compliance with accessibility standards and specifications relative to toilet rooms shall not apply unless the shopping center elects to have public toilet rooms;~~

~~[(2) passenger transportation terminals;~~

~~[(3) theaters and auditoriums having a seating capacity for 200 or more patrons;~~

~~[(4) hospitals and related medical facilities which provide direct medical service to patients;~~

~~[(5) nursing homes and convalescent centers;~~

~~[(6) buildings containing an aggregate total of 20,000 or more square feet of recognizable office floor space;~~

~~[(7) funeral homes; and~~

~~[(8) commercial business and trade schools].~~

(e) The commissioner [commission] shall have the authority to waive or modify accessibility standards and specifications when application of such standards and specifications is considered by the commissioner [commission] to be irrelevant to the nature, use, or function of a building or facility covered by this article. The commissioner [commission] shall not waive or modify any standard or specification when such action would result in a significant impairment of the acquisition of goods and services by [handicapped] persons with disabilities or substantially reduce the potential for employment of [handicapped] persons with disabilities. All evidence supporting waiver or modification determinations made by the commissioner [commission] shall be made a matter of record and become part of the file system maintained by the department [commission].

(f) All buildings and facilities covered by this article shall provide restroom facilities in conformance with the minimum plumbing facilities standards set forth in Appendix C of the most recent Uniform Plumbing Code.

Sec. 3 [7-03]. SCOPE. (a) This article is concerned with nonambulatory disabilities, semiambulatory disabilities, sight disabilities, hearing disabilities, disabilities of coordination, and aging.

(b) It is intended to make all buildings and facilities covered by this article accessible to, and functional for, persons with disabilities ~~[the physically handicapped]~~ to, through, and within their doors, without loss of function, space, or facilities where the general public is concerned.

Sec. 4 [7-04]. DEFINITIONS. For the purpose of this article the following terms have the meanings as herein set forth:

(1) "Nonambulatory disabilities" means impairments that, regardless of cause or manifestation, for all practical purposes, confine individuals to wheelchairs.

(2) "Semiambulatory disabilities" means impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees, arthritics, spastics, and those with pulmonary and cardiac ills may be semiambulatory. The listing here made is illustrative and shall not be construed as being exhaustive.

(3) "Sight disabilities" means total blindness or impairments affecting sight to the extent that the individual functioning in public areas is insecure or exposed to danger.

(4) "Hearing disabilities" means deafness or hearing handicaps that might make an individual insecure in a public area because he is unable to communicate or hear warning signals.

(5) "Disabilities of coordination" means faulty coordination or palsy from brain, spinal, or peripheral nerve injury.

(6) "Aging" means those manifestations of the aging processes that significantly reduce mobility, flexibility, coordination, and perceptiveness but are not accounted for in the aforementioned categories.

(7) "Commission" means the Texas Commission of Licensing and Regulation.

(8) "Commissioner" means the commissioner of licensing and regulation.

(9) "Department" means the Texas Department of Licensing and Regulation.

(10) "Architect" means a person registered as an architect under Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes).

(11) "Engineer" means a person registered as an engineer under The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes).

Sec. 5 [7-05]. RESPONSIBILITIES FOR ENFORCEMENT. (a) In the [The responsibility for] administration and enforcement of this article [shall reside primarily in the commission], [but] the commissioner [commission] shall have the assistance of appropriate state rehabilitation agencies in carrying out commissioner [its] responsibilities [under this article]. State agencies involved in extending direct services to [disabled or handicapped] persons with disabilities are authorized to enter into interagency contracts with the department [commission] to provide such additional funding as might be required to insure that service objectives and responsibilities of such agencies are achieved through the administration of this article. In enforcing this article the commissioner [commission] shall also receive the assistance of all appropriate elective or appointive state officials. The commissioner may contract with other state agencies, political subdivisions, nonprofit organizations, and private independent contractors to perform the commissioner's review and inspection functions for privately financed buildings that are not leased by the state or a political subdivision and may terminate those contracts for cause. The department [commission] shall from time to time inform professional organizations and others, including persons with disabilities, architects, engineers, and other building professionals, of this law and its application. Information disseminated by the department about the program shall include the types of buildings and leases covered by this article, the procedures for submitting plans and specifications for review, complaint procedures, and the address and phone number of the department's program. The department may enter into cooperative agreements to integrate information about the program with information produced or distributed by other public entities or by private entities.

(b) The commissioner [commission] shall have all necessary powers to require compliance with the commissioner's [its] rules and regulations and modifications thereof and substitutions therefor, including powers to institute and prosecute proceedings under Section 18, Article 9100, Revised Statutes [in the district court to compel such compliance], and shall not be required to pay any entry or filing fee in connection with the institution of such proceedings. The commission may also impose an administrative penalty under Section 17, Article 9100, Revised Statutes, on a building owner for a violation of this article or a rule adopted under this article. Each day that the violation is not corrected constitutes a separate violation. The commissioner [commission] or a [handicapped] person with disabilities who seeks injunctive relief to obtain compliance with the rules and regulations, and the commissioner when the commission considers imposing an administrative penalty under this section, shall first notify a person responsible for the building and allow that person 90 days to bring the building into compliance. The commissioner [commission] shall have the authority to extend the 90-day period when circumstances justify such extension.

(c) [The commission is authorized to promulgate such rules and regulations as might reasonably be required to implement and enforce this article.] The standards and specifications to be adopted by the commissioner [commission] under this article shall be consistent in effect to those adopted by the American National Standards Institute, Inc. (or its federally recognized successor in function), and the department [commission] shall publish the standards and specifications in a readily accessible form for the use of interested parties.

(d) All plans and specifications for construction or for the substantial renovation, modification, or alteration of buildings subject to the provisions of this article shall be submitted to the department [commission] for review and approval prior to the time that construction or that substantial renovation, modification, or alteration on the building begins [bidding and award of contract] in accordance with rules and regulations adopted by the commissioner [commission]. The plans and specifications shall be submitted to the department by the architect or engineer who has overall responsibility for the design of the constructed or reconstructed building. The building owner shall submit the plans and specifications to the department if there is no architect or engineer with that responsibility. Likewise, any substantial modification of approved plans shall be resubmitted to the department [commission] for review and approval. If an architect or engineer required to submit or resubmit plans and specifications to the department fails to do so in a timely manner, the commissioner shall report the fact to the Texas Board of Architectural Examiners or the State Board of Registration for Professional Engineers, as appropriate.

(e) The commissioner [commission] may review plans and specifications, make inspections, and issue certifications that structures not otherwise covered by this article are free of architectural barriers and in compliance with the provisions of this article. The department shall inspect each building subject to this article within the first year after the date that construction or substantial renovation, modification, or alteration of the building is completed. The department shall inspect each building that is subject to this article because of a lease to the state during the first year of the lease [commission is authorized to charge a fee, not to exceed \$100, for review of plans and specifications, inspection, and certification of each privately owned building or facility].

(f) With respect to buildings and facilities that are under the jurisdiction and control of The University of Texas Board of Regents, the responsibility for administration and enforcement of this article shall reside in such governing board; and in the discharge of such responsibility the governing board shall have the same responsibilities, duties, powers, and authority that are herein imposed on and delegated to the commission with respect to all other buildings and facilities covered by this article].

Sec. 6. The commission shall set and charge, in accordance with Section 12, Article 9100, Revised Statutes, fees for performing its functions under this article. The fees shall be paid by the owner of a building when the department performs a function related to the building under this article. The fees must include a fee for:

- (1) reviewing the plans or specifications of a building;
- (2) inspecting a building; and
- (3) processing a request to waive or modify accessibility standards for

a building.

Sec. 7. (a) The commission shall appoint an advisory committee for the architectural barriers program. The committee shall be composed of building professionals and persons with disabilities who are familiar with architectural barrier problems and solutions. The committee shall be composed of at least eight members. Persons with disabilities must make up a majority of the membership.

(b) A committee member serves at the will of the commission. A member may not receive compensation for service on the committee but is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member.

(c) The committee shall elect a member of the committee as chair. The committee shall meet at least twice each calendar year at the call of the committee chair or at the call of the commissioner.

(d) The committee periodically shall review the rules relating to the architectural barriers program and recommend changes in the rules to the

commission and the commissioner. The commissioner shall submit all proposed changes to rules and procedures that relate to the architectural barriers program to the committee for review and comment before adoption or implementation of the new or amended rule or procedure.

Sec. 8. All references in law to the former architectural barriers statute, Article 7, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), mean this article.

SECTION 4.02. Section 11(b), Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes), as amended by Chapter 579, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(b) The Board may revoke or suspend a registration certificate, place on probation a person whose registration certificate has been suspended, reprimand a person registered under this Act, or assess an administrative penalty against a person registered under this Act in an amount not to exceed \$1,000 on the following grounds:

- (1) a violation of this Act or of a rule of the Board adopted under this Act;
- (2) a cause for which the Board is authorized to refuse to grant a registration certificate;
- (3) gross incompetency;
- (4) recklessness in the construction or alteration of a building by an architect designing, planning, or observing the construction or alteration; [or]
- (5) dishonest practice by one holding a registration certificate; or
- (6) for failing to timely provide plans and specifications to the Texas Department of Licensing and Regulation as required by Article 9102, Revised Statutes.

SECTION 4.03. Subsection (a), Section 22, The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Board shall revoke, suspend, or refuse to renew a registration, shall reprimand a registrant, may deny an application for registration, or may probate any suspension of any registrant who is determined by the Board to be censurable for:

- (1) The practice of any fraud or deceit in obtaining a certificate of registration;
- (2) Any gross negligence, incompetency, or misconduct in the practice of professional engineering as a registered professional engineer;
- (3) Any documented instance of retaliation by an applicant against an individual who has served as a reference for that applicant; [or]
- (4) A violation of this Act or a Board rule; or
- (5) A failure to timely provide plans and specifications to the Texas Department of Licensing and Regulation as required by Article 9102, Revised Statutes.

PART 5. OTHER MATTERS RELATING TO STATE ACQUISITION AND USE OF PROPERTY AND SERVICES

SECTION 5.01. Section 9, Texas Public Finance Authority Act (Article 601d, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. ISSUANCE OF BONDS. (a) The board may issue and sell bonds in the name of the authority to finance projects that consist of the acquisition or construction of buildings in Travis County, Texas. Upon receiving a request described in Section 5.34, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), the board may issue bonds in amounts up to the previously authorized amount of bonds plus five percent of the acquisition cost of the property, all as described in the request.

(b) When the acquisition or construction of a building has been authorized in accordance with this Act or under Section 5.34, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), the board shall promptly issue and sell bonds in the name of the authority under this Act, including Sections 10B and 16 of this Act, to finance the acquisition or construction of the building. When the proceeds from the bond issuance are available, the board shall promptly deposit the proceeds in the state treasury under Section 23 of this Act and shall promptly make the determinations that are to be made by the board under Section 23 of this Act.

(c) The commission or other state agency involved in acquiring or constructing a building financed by the issuance of bonds under this Act shall carry out its statutory authority as if the building were financed by legislative appropriation. The board and either the commission or another state agency involved in the acquisition or construction of a building shall adopt a memorandum of understanding that defines the division of authority between the board and the commission or agency.

SECTION 5.02. Section 24A(c), Texas Public Finance Authority Act (Article 601d, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) Notwithstanding the limitations prescribed by Section 9 of this Act relating to the location of buildings for which bonds may be issued, the authority may issue bonds under this Act to finance the renovation of West Building, G. J. Sutton State Office Complex in Bexar County, at an estimated cost of \$1,375,000; the construction or purchase and renovation of a building or buildings by the State Purchasing and General Services Commission in Tarrant County, at an estimated cost of \$10,000,000; [and] the construction or purchase and renovation of a building or buildings by the State Purchasing and General Services Commission in Harris County, at an estimated cost of \$20,000,000; and the construction by the State Purchasing and General Services Commission of a state office building on land owned by The Texas A&M University System in Nueces County, at an estimated cost of \$10,000,000. For purposes of this subsection regarding Tarrant and Harris counties, the State Purchasing and General Services Commission shall, prior to requesting the authority to issue bonds, prepare project analyses for the potential construction projects and subsequent thereto perform an alternative purchase analysis pursuant to the provisions of Section 5.34, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).

SECTION 5.03. Section 27, Texas Public Finance Authority Act (Article 601d, Vernon's Texas Civil Statutes), as amended by Chapters 786 and 1042, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

Sec. 27. PURCHASE AND RENOVATION OF TEXAS EMPLOYMENT COMMISSION PROPERTY. (a) The Texas Employment Commission shall sell to the commission office buildings and parking facilities in its possession in or near the Capitol Complex, and the commission shall purchase the buildings and parking facilities, at a sales price that shall not exceed the maximum amount of funds authorized for the acquisition and renovation in Chapter 700, Acts of the 68th Legislature, Regular Session, 1983, with the concurrence of the United States government. [The sale shall be under an agreement between the Texas Employment Commission and the commission on a price sufficient to provide the Texas Employment Commission adequate, alternative office and parking space outside the Capitol Complex and with the necessary concurrence of the United States government.]

(b) [The commission shall, under an agreement with the Texas Employment Commission and subject to the availability of funds authorized by this Act, purchase the office buildings and parking facilities of the Texas Employment Commission located in or near the Capitol Complex.] After the office buildings have been

acquired, the commission may, from funds made available by the authority, renovate the facilities as necessary for occupancy by other state agencies. In negotiating the price for the Texas Employment Commission facilities, the commission shall consider the cost to the Texas Employment Commission of alternative space outside the Capitol Complex. The commission shall also consider the price in the context of the reasonable rates that might otherwise be paid by prospective occupying state agencies for rent in comparable space.

~~[Sec. 27. (a) The State Purchasing and General Services Commission may take possession of the office buildings and parking facilities in or near the Capitol Complex occupied by the Texas Employment Commission. To take possession the State Purchasing and General Services Commission must provide the Texas Employment Commission adequate, alternative office and parking space in the city of Austin and obtain the necessary concurrence that may be required by the United States government. On receiving that concurrence, title to the property is in the State Purchasing and General Services Commission, and the employment commission and purchasing commission shall execute the documents necessary to show title in the purchasing commission.~~

~~[(b) If the State Purchasing and General Services Commission takes possession of the office buildings and parking facilities of the Texas Employment Commission located in or near the Capitol Complex, the State Purchasing and General Services Commission may, from funds made available by the authority or from other available funds, renovate the facilities as necessary for occupancy by other state agencies or by the legislature or legislative agencies. Before renovating the facilities or making the facilities available for occupancy to a state agency, the purchasing commission shall offer the space to the legislature for its use and occupancy. For that purpose, the purchasing commission shall notify the lieutenant governor and the speaker of the house in writing, who may claim the property for the use and occupancy of the legislature and legislative agencies by delivering a written notice signed by both officers to the executive director of the commission. The notice must be delivered to the executive director before the 120th day after the date on which those officers receive notice of the availability of the property.~~

~~[(c) If at any time the lieutenant governor and the speaker deliver a written notice, signed by each, to the executive director of the purchasing commission stating that the employment commission facilities in or near the Capitol Complex are necessary for legislative use and occupancy, the property shall be made available for that use and occupancy as soon as possible but not later than the second anniversary of the date on which the executive director of the purchasing commission receives the notice from the lieutenant governor and the speaker. If the employment commission is at that time in possession of the property:~~

~~[(1) the purchasing commission shall take possession of the property and the employment commission shall vacate the property;~~

~~[(2) from funds made available by the authority or from funds appropriated for that purpose, the purchasing commission shall purchase or construct adequate, alternative office and parking space in the city of Austin for the employment commission and shall obtain the necessary concurrence that may be required by the United States government; and~~

~~[(3) on receiving that concurrence, title to the property is in the purchasing commission and the purchasing commission and employment commission shall execute the documents necessary to show title in the purchasing commission.~~

~~[(d) Subject to the availability of funds, the purchasing commission may renovate facilities purchased for the employment commission as necessary for occupancy by the employment commission. Any available funds remaining after purchase and renovation of the facilities for the employment commission may be~~

used by the purchasing commission to renovate the facilities of the employment commission transferred under this section as necessary for occupancy by state agencies or the legislature and legislative agencies.]

SECTION 5.04. Subchapter Z, Chapter 51, Education Code, is amended by adding Sections 51.927 and 51.928 to read as follows:

Sec. 51.927. WRITTEN CONTRACTS OR AGREEMENTS BETWEEN CERTAIN INSTITUTIONS. (a) In this section, "governing board" and "institution of higher education" have the meanings assigned by Section 61.003 of this code.

(b) A written contract or agreement for the furnishing of resources or services that is between institutions of higher education with a common governing board is not subject to the requirements of Chapter 771, Government Code, if the governing board has adopted rules providing for governing board review and approval of those contracts, including review of those contracts by the General Services Department.

Sec. 51.928. ENERGY CONSERVATION MEASURES. (a) The governing board of an institution of higher education may enter into a contract for energy conservation measures to reduce energy consumption or operating costs of institutional facilities in accordance with this section. Contracts shall be submitted for review by the General Services Department.

(b) A contract to which this section applies includes a contract for the installation of:

(1) insulation of a building structure and systems within a building;
(2) storm windows or doors, caulking or weather stripping,
multiglazed windows or doors, heat-absorbing or heat-reflective glazed and coated window or door systems, or other window or door system modifications that reduce energy consumption;

(3) automatic energy control systems, including computer software and technical data licenses;

(4) heating, ventilating, or air-conditioning system modifications or replacements;

(5) lighting fixtures that increase energy efficiency;

(6) energy recovery systems;

(7) electric systems improvements; or

(8) other energy conservation-related equipment.

(c) The person with whom the board contracts must be experienced in the design, implementation, and installation of energy conservation measures.

(d) Before entering into a contract for energy conservation measures, the board shall require the provider of the energy conservation measures to file with the board a performance bond that is in an amount the board finds reasonable and necessary to protect the interests of the institution and is conditioned on the faithful execution of the terms of the contract.

(e) The board may enter into a contract for a period of more than one year for energy conservation measures with a person if the board finds that the amount the institution would spend on the energy conservation measures will not exceed the amount to be saved in energy and operating costs over 10 years from the date of installation. If the term of a contract for energy conservation measures exceeds one year, the board's contractual obligation in any year during the term of the contract may not exceed the total energy and operating cost savings, including but not limited to electrical, gas, or other utility cost savings and operating cost savings resulting from automatic monitoring and control, as determined by the board in this subsection, divided by the number of years in the contract term. The board shall consider all costs of the energy conservation measures, including costs of design, engineering, installation, maintenance, repairs, and debt service.

(f) A contract for energy conservation measures may be a lease/purchase contract, with a term not to exceed 10 years, that meets federal tax requirements for tax-free municipal leasing or long-term financing.

(g) A contract under this section may be let under competitive sealed proposal procedures. Notice of the request for proposals shall be given in the manner provided for in Section 3.12, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes). The notice of the request for proposals shall be provided to the office of the governor for review and comment at least 30 days prior to any contract award. The contract shall be awarded to the responsible offeror whose proposal, following negotiations, is determined by the institution to be the most advantageous to the institution considering the guaranteed savings and other evaluation factors set forth in the request for proposals, except that if the institution finds that no offer is acceptable, it shall refuse all offers.

(h) In accordance with regulations adopted by the institution, the institution may conduct discussions with offerors who submit proposals and who are determined to be reasonably qualified for the award of the contract. Offerors shall be treated fairly and equally with respect to any opportunity for discussion and revision of proposals. To obtain the best final offers, the institution may allow proposal revisions after submissions and before the award of the contract.

(i) If provided in a request for proposals under Subsection (g) of this section, proposals shall be opened in a manner that avoids disclosure of the contents to competing offerors and keeps the proposals secret during negotiations. All proposals are opened for public inspection after a contract is awarded unless the information is excepted from disclosure under the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

SECTION 5.05. Subchapter E, Chapter 12, Health and Safety Code, is amended by adding Section 12.053 to read as follows:

Sec. 12.053. INVENTORY REQUIREMENTS. All equipment and supplies that are purchased through a program, contract, or grant with the department by or for qualified entities, including but not limited to individuals, corporations, local units of government, and other state agencies, and that are used to promote and maintain public health are exempt from the statewide personal property accounting system administered by the comptroller of public accounts described in Subchapter L, Chapter 403, Government Code. The qualified entities shall maintain complete equipment and supply records. The department may request the return of any usable equipment or supplies purchased with funds provided by the department on the termination of the program, contract, or grant.

SECTION 5.06. Chapter 403, Government Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. PROPERTY ACCOUNTING

Sec. 403.271. PROPERTY ACCOUNTING SYSTEM. (a) This subchapter applies to all personal property belonging to the state.

(b) The comptroller shall administer the property accounting system and maintain centralized records based on information supplied by state agencies and the uniform statewide accounting system. The comptroller shall adopt necessary rules for the implementation of the property accounting system, including setting the dollar value amount for capital assets and authorizing exemptions from reporting.

(c) The property accounting system shall constitute, to the extent possible, the fixed asset component of the uniform statewide accounting system.

(d) The comptroller may authorize a state agency to keep property accounting records at the agency's principal office if the agency maintains complete, accurate, and detailed records. When the comptroller makes such a finding, the comptroller shall keep summary records of the property held by that agency. The agency shall maintain detailed records in the manner prescribed by the comptroller and shall furnish reports at the time and in the form directed by the comptroller.

(e) A state agency shall mark and identify state property in its possession. The agency shall follow the rules issued by the comptroller in marking state property.

Sec. 403.272. RESPONSIBILITY FOR PROPERTY ACCOUNTING. (a) A state agency must comply with this subchapter and maintain the property records required.

(b) All personal property owned by the state shall be accounted for by the agency that possesses the property. The comptroller shall define personal property by rule for the purposes of this subchapter. In adopting rules, the comptroller shall consider the value of the property, its expected useful life, and the cost of recordkeeping. The comptroller shall consult with the state auditor in drafting rules. The state auditor shall cooperate with the comptroller by giving technical assistance and advice.

Sec. 403.273. PROPERTY MANAGER; PROPERTY INVENTORY. (a) The head of each state agency is responsible for the custody and care of state property in the agency's possession.

(b) The head of each state agency shall designate a property manager and inform the comptroller of the designation. Subject to comptroller approval, more than one property manager may be appointed by the agency head.

(c) The property manager shall maintain the records required and be the custodian of all property possessed by the agency.

(d) State property may be used only for state purposes.

(e) When an agency's property is entrusted to a person other than the property manager, the property manager shall require a written receipt from the person receiving custody of the property. When the property of one agency is lent to another agency, the lending must be authorized in writing by the head of the agency that is lending the property. A written receipt must be executed by the head of the agency that is receiving the property.

(f) On the date prescribed by the comptroller, a state agency shall make a complete physical inventory of all property in its possession. The inventory must be completed once each year.

(g) Within 45 days after the inventory date prescribed by the comptroller, the head of each state agency shall forward to the comptroller a signed statement describing the method used to verify the inventory and a copy of the inventory.

(h) The property records prepared by each state agency must accurately reflect the property currently possessed by the agency. The agency must use the methods prescribed by the comptroller to delete property from the agency's property records. Property that has become surplus or obsolete and no longer serviceable may be deleted from the agency's records only upon authorization by the comptroller. Property that is missing or that is disposed of directly by the agency shall be deleted from the comptroller's records on approval by the state auditor.

Sec. 403.274. CHANGE OF AGENCY HEAD OR PROPERTY MANAGER. When there is a new head or property manager of an agency, the new head or property manager of the agency shall execute a receipt for all agency property accounted for to the outgoing agency head or property manager. A copy of the receipt shall be delivered to the comptroller, the state auditor, and the outgoing agency head or property manager.

Sec. 403.275. LIABILITY FOR PROPERTY LOSS. The liability prescribed by this section may attach on a joint and several basis to more than one person in a particular instance. A person is pecuniarily liable for the loss sustained by the state if:

(1) agency property disappears as a result of the failure of the head of an agency, property manager, or agency employee entrusted with the property to exercise reasonable care for its safekeeping;

(2) agency property deteriorates as a result of the failure of the head of an agency, property manager, or agency employee entrusted with the property to exercise reasonable care to maintain and service the property; or

(3) agency property is damaged or destroyed as a result of an intentional wrongful act or of a negligent act of any state official or employee.

Sec. 403.276. REPORTING TO STATE AUDITOR AND ATTORNEY GENERAL. (a) If a head of an agency has reasonable cause to believe that any state property in the agency's possession has been lost, destroyed, or damaged through the negligence or fault of any state official or employee, the agency head responsible shall immediately report the loss, destruction, or damage to the state auditor and to the attorney general.

(b) The attorney general shall investigate a report of loss, destruction, or damage to state property.

(c) If the investigation discloses that a property loss has been sustained by the state through the fault of a state official or employee, the attorney general shall make written demand on the state official or employee for reimbursement to the state for the loss sustained.

(d) If the demand made by the attorney general for reimbursement for property loss, destruction, or damage is refused or disregarded by the state official or employee on whom such demand is made, the attorney general may take legal action to recover the value of the state property as the attorney general deems necessary.

(e) Venue for all suits instituted under this section against a state official or employee is in a court of appropriate jurisdiction of Travis County.

Sec. 403.277. FAILURE TO KEEP RECORDS. If a state agency fails to keep the records or fails to take the annual physical inventory required by this subchapter, the comptroller may refuse to draw warrants or initiate electronic funds transfers on behalf of the agency.

Sec. 403.278. TRANSFER OF PERSONAL PROPERTY. (a) A state agency may transfer any personal property of the state in its possession to another state agency with or without reimbursement between the agencies.

(b) When personal property in the possession of one state agency is transferred to the possession of another state agency, the transfers must be reported immediately to the comptroller by the transferor and the transferee on the forms prescribed.

SECTION 5.07. Section 481.027, Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (e) and (f) to read as follows:

(a) The department shall maintain and operate offices in foreign countries for the purposes of promoting investment that generates jobs in Texas, exporting of Texas products, tourism, and international relations for Texas. The offices shall be named "The State of Texas" offices. To the extent permitted by law, other state agencies that conduct business in foreign countries may place staff in the offices established by the department and share the overhead and operating expenses of the offices. Other state agencies and the department may enter interagency contracts for this purpose. Chapter 771 does not apply to those contracts. Any purchase for local procurement or contract in excess of \$5,000 shall be approved by the executive director prior to its execution.

(b) The offices shall be accessible to Texas-based institutions of higher education and their nonprofit affiliates for the purposes of fostering Texas science, technology, and research development, international trade and investment, and cultural exchange. The department and the institutions may enter contracts for this purpose. Chapter 771 does not apply to those contracts.

(e) Articles 8 and 9, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), apply to the operation and maintenance of the offices. No other provisions of that Act apply to the operation and maintenance of the offices or to transactions of the department that are authorized by this section.

(f) The General Services Department may, at the request of a state agency, provide to the agency services exempted from the application of the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes) under Subsection (e). Chapter 771 does not apply to services provided under this subsection. The General Services Department shall establish a system of charges and billings that ensures recovery of the cost of providing the services and shall submit a purchase voucher or a journal voucher, after the close of each month, to the agency for which services were performed.

SECTION 5.08. Section 497.026(b), Government Code, as renumbered and amended by Chapter 16, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(b) If the [State Purchasing and] General Services Department [Commission] determines that an article or product produced by the institutional division under this subchapter does not meet the requirements of an agency of the state or a political subdivision, or the institutional division of the Texas Department of Criminal Justice determines that the division is unable to fill a requisition for an article or product, the agency or subdivision may purchase the article or product from another source.

SECTION 5.09. Section 497.027, Government Code, as renumbered by Chapter 16, Acts of the 72nd Legislature, Regular Session, 1991, is amended by amending Subsection (a) and by adding Subsection (c) to read as follows:

(a) An agency of the state that purchases articles and products under this subchapter must requisition the purchase through the [State Purchasing and] General Services Department except for purchases of items or services not included in an established contract. The purchase of items not included in an established contract and that do not exceed the dollar limits established under Section 3.08(a), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), may be acquired directly from the institutional division on the agency's obtaining an informal or a formal quotation for the item and issuing a proper purchase order to the institutional division [Commission].

(c) If an agency or political subdivision purchasing goods under this subchapter desires to purchase goods or articles from the institutional division, it may do so without complying with any other state law otherwise requiring the agency or political subdivision to request competitive bids for the article or product. A political subdivision is not required to purchase goods or articles from the institutional division if the political subdivision determines that the goods or articles can be purchased elsewhere at a lower price. An agency is not required to purchase goods or articles from the institutional division if the agency determines, and the General Services Department certifies, that the goods or articles can be purchased elsewhere at a lower price.

SECTION 5.10. Article 4348e, Revised Statutes, is amended by adding Section 5 to read as follows:

Sec. 5. COORDINATION OF DUTIES. The General Services Department, the Department of Information Resources, and the comptroller shall coordinate their duties to ensure the effective and efficient implementation of the uniform statewide accounting system.

SECTION 5.11. Title 20, Revised Statutes, is amended by adding Article 601i to read as follows:

Art. 601i. CONSULTING SERVICES

Sec. 1. SHORT TITLE. This article may be cited as the Consulting Services Act.

Sec. 2. DEFINITIONS. In this article:

(1) "Consulting services" means the human service of studying or advising a state agency but does not include services covered under the Professional Services Procurement Act (Article 664-4, Vernon's Texas Civil Statutes).

(2) "State agency" has the meaning assigned by Section 1.02, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).

Sec. 3. APPLICABILITY. (a) This article applies to the receipt of consulting services by a state agency under a contract that does not involve the traditional relationship of employer and employee. This article, including rules adopted by the comptroller or governor under this article and the requirement of a finding of need by the governor, also applies to an amendment to or an extension of such a contract.

(b) This article applies to consulting services that a state agency purchases with funds:

(1) appropriated by the legislature;

(2) generated by the statutory duties of a state agency; or

(3) received from the federal government to the extent that federal laws or regulations do not conflict with this Act.

(c) This article does not apply to a contract to which Article 601j, Revised Statutes, applies.

Sec. 4. CERTAIN SERVICES EXCEPTED FROM ARTICLE. (a) If the governor, comptroller, and General Services Department consider that it is more advantageous to the state for the procurement of a particular consulting service to be subject to the procedures of Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), rather than to the procedures of this article, they may make a memorandum of understanding to that effect and each adopt that memorandum of understanding by rule. State agency procurement of a consulting service included in a memorandum of understanding adopted under this subsection is subject to Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), and not subject to the requirements of this article.

(b) The comptroller by rule may define circumstances in which state agency procurement of certain consulting services that will cost less than a minimum amount established by the comptroller are excepted from the requirements of this article, if the comptroller determines that it would be more cost-effective for the state.

(c) The services of a consultant whose services are determined by the governing board of a retirement system trust fund to be necessary for the performance of its fiduciary duties under the state constitution are exempted from this article, except that the governing board shall comply with Section 7(c) of this article. Contracts made under this subsection are not void for failure to comply with the requirements of the article.

Sec. 5. CONTRACTS VOID. (a) A contract made by a state agency for the receipt of a service that is subject to this article is void if the contract or the procedures under which the contract was awarded violate this article or a rule adopted under this article.

(b) If a contract is void under this section, the comptroller or a state agency may not make any payments under the contract.

Sec. 6. FINDING OF NEED. (a) A state agency may not contract to receive consulting services unless:

(1) the governor issues a written finding of need for the agency to obtain the service under a contract to which this article applies;

(2) the governor does not inform the state agency of the governor's decision by the 45th day after the date that the governor's office received the request for a finding of need; or

(3) the contract is excepted from this article under Section 4 of this article.

(b) The governor may adopt rules for the procedures a state agency must follow when requesting a finding of need and demonstrating the need to the governor.

Sec. 7. REQUIRED PROCEDURES. (a) The comptroller shall adopt rules that govern the procedures for making a contract for consulting services under this article. The comptroller's rules under this section:

(1) must require adequate advance public notice of requests for bids and proposals;

(2) may determine the form of notice required as appropriate in different circumstances;

(3) may determine the extent to which bids, proposals, or opportunities for negotiation are most advantageous to the state and required as appropriate in different circumstances, and determine the procedures for bids, proposals, and negotiations leading to the award of a contract;

(4) may determine, based on what is most advantageous to the state, the extent to which demonstrated competence and qualifications should be taken into account when a state agency evaluates a bid or proposal in different circumstances; and

(5) may be modeled in part on other state laws that govern bids and proposals in public contracting, to the extent appropriate.

(b) The governor may exempt a state agency from all or part of the comptroller's rules under this section if the governor determines that an unforeseen emergency has arisen that makes compliance with all or part of the rules infeasible. For purposes of this subsection, an unforeseen emergency is an emergency that the agency could not reasonably be expected to foresee. The governor may adopt rules for the administration of this subsection.

(c) No later than the 10th day after executing a consulting services contract, a state agency that enters into a contract under this article with a value that exceeds \$10,000 shall file with the secretary of state:

(1) a description of the activities that the private consultant will conduct;

(2) the name and business address of the private consultant;

(3) the total value and the beginning and ending dates of the contract;

and

(4) the due dates of documents, films, recordings, or reports that the private consultant is required to present to the agency.

(d) On receipt of the information described in Subsection (c) of this section, the secretary of state shall publish the information in the Texas Register.

Sec. 8. CONFLICTS OF INTEREST. An officer or employee of a state agency who has a financial interest in a firm or corporation that provides contracted services under this article and that submits an offer to provide services under this article to the agency, or who is related within the second degree by consanguinity or affinity to a person having that financial interest, shall report the financial interest to the executive head of the state agency not later than the 10th day after the date on which the contractor submits the contracted services offer.

Sec. 9. JOINT RULES; REVIEW AND COMMENT FOR RULES. (a) The governor, the comptroller, and the Department of Information Resources shall develop joint rules under Sections 7(a)(1) and (2) of this article and under Sections 6(a)(1) and (2), Article 601j, Revised Statutes.

(b) The comptroller shall submit proposed rules under this article to the governor and to the General Services Department for review and comment before adopting the rules.

Sec. 10. PROCUREMENT THROUGH GENERAL SERVICES DEPARTMENT. (a) At the request of a state agency, the General Services Department shall procure services that are covered by this article for the agency.

(b) The department may require reimbursement for the costs it incurs when it performs a service under this section.

Sec. 11. ARCHIVES. (a) After a state agency's contract with a consultant under this article has ended, the state agency shall, upon request, supply the Legislative Budget Board and the Governor's Budget and Planning Office with copies of all documents, films, recordings, or reports developed by the consultant.

(b) Copies of all documents, films, recordings, or reports developed by the consultant shall be filed with the Texas State Library and Archives Commission and shall be retained by the library for at least five years after receipt.

(c) The Texas State Library and Archives Commission shall compile a list of documents, films, recordings, and reports submitted to it under Subsection (b) of this section and shall file the list at the end of each calendar quarter with the secretary of state for publication in the Texas Register.

Sec. 12. COORDINATION WITH DEPARTMENT OF INFORMATION RESOURCES. The comptroller and the Department of Information Resources shall adopt by rule a memorandum of understanding that coordinates their duties under this article and Article 601j, Revised Statutes.

PART 6. CENTRALIZED PERSONNEL SERVICES

SECTION 6.01. Subtitle E, Title 4, Government Code, is amended by adding Chapter 466 to read as follows:

CHAPTER 466. TEXAS OFFICE OF PERSONNEL SERVICES

Sec. 466.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Employment Commission.

(2) "Director" means the director of the Texas Office of Personnel

Services.

(3) "Office" means the Texas Office of Personnel Services.

(4) "State agency" means a department, commission, board, office, or other agency in the executive branch of state government that is created by the constitution or a statute of this state. The term includes an institution of higher education as defined by Section 61.003, Education Code.

Sec. 466.002. OFFICE. (a) The Texas Office of Personnel Services is a division of the Texas Employment Commission.

(b) The office is under the direction of a director who is employed by the commission. Under the direction of the commission, the director is responsible for the administration of the office in accordance with this chapter, the rules, orders, and directives adopted under this chapter, and the policies and procedures of the commission.

(c) The director may appoint a first assistant to whom the director may delegate the authority and responsibility of the office.

(d) The director shall employ staff as necessary to perform the duties imposed under this chapter and the policies and procedures of the commission.

(e) The office shall have a six-member advisory committee appointed by the governor from chief executive officers of state agencies. One member must be the executive director of the General Services Department.

(f) Each state agency that has an agency personnel officer shall direct that officer to cooperate with the office. Each state agency identified by the office as having one or more employees assigned on a full-time basis to perform personnel activities may transfer those employees to the office at the election of the office if those activities would be more efficiently provided centrally. An employee who is transferred to the office under this subsection is entitled to the same compensation to which the employee was entitled from the state agency preceding the transfer.

(g) Each state agency from which an employee is transferred under Subsection (f) may not fill the position from which the employee was transferred and may not otherwise permit an employee to perform the duties identified under Subsection (f) on a full-time basis unless the office authorizes that action. A state agency from which employees are not transferred under Subsection (f) may not permit an employee to perform personnel activities unless authorized by the office. The office shall monitor the hiring and staffing practices of state agencies to ensure compliance with this subsection.

(h) The director may use without charge the Human Resources Information System (HRIS) and the data processing facilities in the office of the comptroller for purposes of this chapter until HRIS is completed, at which time HRIS shall be transferred to the office.

Sec. 466.003. UNIFORM GUIDELINES; OTHER RESPONSIBILITIES OF OFFICE. (a) The commission by rule shall develop and adopt rules and uniform guidelines for state agency personnel practices. The guidelines must include recommendations or requirements relating to the form, content, maintenance, and administrative procedures, as applicable, regarding job applications, job postings, job descriptions, job and personnel classifications, and staff reductions in force, together with outplacement services, employee grievance procedures, and other basic personnel policies. With respect to staff reductions, guidelines must require that state employees be given at least 60 days' advance notice of any intended staff reduction. Guidelines must recognize prior state service as a preferred qualification for all subsequent job postings that become available.

(b) Except as provided by Subsection (c), each state agency shall implement personnel policies based on the rules and uniform guidelines. The office shall monitor the implementation of the guidelines and shall report violations of the guidelines to the state auditor for review.

(c) The office shall administer, on the state's behalf, the following programs and shall perform the administrative responsibilities and procedures associated with those programs:

(1) equal employment opportunity under Chapter 80, Acts of the 65th Legislature, Regular Session, 1977 (Article 6252-11b, Vernon's Texas Civil Statutes), and Chapter 648, Acts of the 69th Legislature, Regular Session, 1985 (Article 6252-16b, Vernon's Texas Civil Statutes), but specifically excepting those programs and functions covered by the Commission on Human Rights Act (Article 5221k, Vernon's Texas Civil Statutes);

(2) employee attitude surveys for all state agencies;

(3) the position classification plan created under the Position Classification Act of 1961 (Article 6252-11, Vernon's Texas Civil Statutes);

(4) employee salary rate studies;

(5) safety officers training program under Article 8309g, Revised Statutes;

(6) training programs concerning personnel-related issues and management and employee development, including the governor's management training program;

(7) use, control, and upkeep associated with training facilities owned by any state agency;

(8) minimum grievance rules and guidelines for all state agencies to follow, with reports by the office to the state auditor on each agency's compliance with those rules and guidelines; and

(9) recruitment of individuals and advertisement of available personnel positions for state agencies on a statewide basis.

(d) This Act does not affect the extent to which the personnel of institutions of higher education are subject to the position classification plan created under the

Position Classification Act of 1961 (Article 6252-11, Vernon's Texas Civil Statutes).
The Position Classification Act of 1961 governs that matter.

Sec. 466.004. GENERAL POWERS AND DUTIES OF OFFICE;
DELEGATION. (a) The office shall:

(1) establish and conduct statewide programs to review, audit, advise,
and assist state agencies and their employees, either directly or by means of a
statewide toll-free customer service telephone line, concerning those personnel
functions, requirements, or practices described by Section 466.003, incorrect
classifications, or duplicate personnel services;

(2) establish minimum standards for task-based performance
evaluations that shall be applied by each state agency in the development of a
performance evaluation system;

(3) maintain a centralized source of legal information relating to state
personnel issues, including information relating to:

(A) state statutes;

(B) the personnel provisions of the General

Appropriations Act; and

(C) relevant attorney general opinions;

(4) establish and provide training programs to assist state agencies in
the development of supervisory and management training programs relating to
interviewing, employment law, employee benefits, and other areas related to
analogous personnel issues;

(5) serve as the coordination office for training information including
information on existing training staff, facilities, and materials to fully use all training
resources; and

(6) recruit qualified individuals for state personnel positions and
advertise, as necessary, for those individuals or advertise the availability of certain
positions together with necessary qualifications on a statewide basis.

(b) In its role as coordination office, the office may establish and provide
training programs to ensure that all state agencies and employees are apprised of
all employee benefits and related programs and shall ensure that those programs are
available to all eligible employees.

(c) The commission may delegate powers and duties assigned to the
commission or the office under this chapter to the director.

Sec. 466.005. STATEWIDE APPLICANT DATA BASE. (a) The office shall
be the recipient of all applications for state employment and shall establish a
statewide applicant data base. If a state agency receives a completed application for
a job with the agency, the agency shall send to the office the original application or
a copy of it. The office shall receive job postings from each state agency and shall
maintain a statewide data base of available jobs.

(b) The commission shall establish rules for providing qualified applicants with
access to job-related information and employers with access to information
concerning qualified applicants. On request by a state agency, the office shall
conduct any necessary testing and screening.

(c) This section does not prevent an applicant for a state agency job from
submitting an application directly to the state agency.

SECTION 6.02. Section 1(3), Chapter 80, Acts of the 65th Legislature,
Regular Session, 1977 (Article 6252-11b, Vernon's Texas Civil Statutes), is
amended to read as follows:

(3) "Office [Equal employment office]" means the Texas Office of
Personnel Services [Equal Employment Opportunity Office within the governor's
office].

SECTION 6.03. Sections 2, 3, and 4, Chapter 80, Acts of the 65th
Legislature, Regular Session, 1977 (Article 6252-11b, Vernon's Texas Civil
Statutes), are amended to read as follows:

Sec. 2. SUBMISSION OF JOB INFORMATION. (a) When a job vacancy occurs or is filled in Travis County within a state agency, the agency shall complete and submit to the ~~[commission and to the equal employment]~~ office as soon as possible the appropriate information form prescribed by the commission regarding the job vacancy or placement.

(b) As soon as possible at the beginning of each month, a state agency that is required by federal law or regulation to follow a merit system of personnel administration ~~[which requires a person to comply with the Merit System Council's employment procedures]~~ before employing a ~~[the]~~ person shall complete and submit to the ~~[commission and to the equal employment]~~ office the appropriate information form prescribed by the commission regarding the job vacancies in Travis County subject to the merit system of personnel administration ~~[Merit System Council's employment procedures]~~ which were filled by the agency during the previous month.

Sec. 3. JOB INFORMATION FORMS. The commission shall prescribe forms for information from state agencies necessary for the office ~~[commission]~~ to serve as a central processing agency for state agency job opportunities in Travis County in accordance with this Act.

Sec. 4. USE OF JOB INFORMATION. (a) The office ~~[commission]~~ shall publicly list, in accordance with its procedures, for at least 10 working days, notices of job vacancies submitted to the office ~~[commission]~~ by a state agency under Section 2(a) of this Act unless notified by the agency that the vacancy has been filled.

(b) The office ~~[commission]~~ shall publicly post, in accordance with its procedures, for a month, the information submitted to the office ~~[commission]~~ by a state agency under Section 2(b) of this Act. When a person expresses to the office ~~[commission]~~ an interest in a job vacancy posted in accordance with this subsection for which the office ~~[commission]~~ considers him qualified, the office ~~[commission]~~ shall inform the person of the appropriate merit system ~~[Merit System Council]~~ employment procedures.

(c) When a person expresses to the office ~~[commission]~~ an interest in a job vacancy listed in accordance with Subsection (a) of this section for which the office ~~[commission]~~ considers him qualified and which may be filled only after the person has complied with merit system ~~[the Merit System Council's]~~ employment procedures, the office ~~[commission]~~ shall inform the person of those procedures.

SECTION 6.04. Section 2, Chapter 648, Acts of the 69th Legislature, Regular Session, 1985 (Article 6252-16b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. Each state agency that prepares ~~[submits]~~ an annual report ~~[to the governor's office]~~ relating to equal employment opportunities with that agency shall include in the report statistical information ~~[provided to the governor's office information]~~ relating to the number of handicapped persons employed by the agency and shall submit the report to the Texas Office of Personnel Services.

SECTION 6.05. Sections 4 and 5, Position Classification Act of 1961 (Article 6252-11, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 4. Commencing with the effective date of this Act, all regular full-time salaried employments with the exceptions and deferments specified hereinabove shall be made only in conformity with the classes of work described in such Position Classification Plan, and under the titles authorized by such Plan. The Classification Officer ~~[State Auditor]~~ shall examine or cause to be examined in periodic post-audits of expenditures of State departments and agencies, and by such methods as he deems appropriate and adequate, whether employments have been made in accordance with the provisions of this Act, and shall report the facts as found to the Governor, the Comptroller, the Texas Office of Personnel Services, and the Legislative Audit Committee.

Sec. 5. (a) Nothing in this Act shall be construed or applied by any officer or employee of the State as interfering in any way with existing statutory authorizations for governing bodies and executive heads to employ such persons as they may choose, or to select for promotion from one class of employment to another such employees as they may choose, or to dismiss from employment by the State such employees as they may choose to dismiss.

(b) It is further provided that wherever the phrase "General Qualifications Requirements," or any words or phrases of similar meaning, are found in the Position Classification Plan established by this Act, such specifications thereunder as may be set forth for experience and training, or for education, or for knowledges, skills and abilities, or for physical conditions, shall only mean those which are commonly desired by employing officers of the State; and such indicated requirements shall not be interpreted as having the force of law.

(c) The preceding two paragraphs of this Section, however, shall not be construed as abrogating statutory authorizations for certain State agencies to operate under employee merit systems as a condition for qualifying for Federal grants-in-aid; and all such merit systems as have been or may hereafter be agreed to by the respective State agencies and agencies of the U.S. Government shall be in full force and effect, subject only to the applicable laws of this State.

(d) Should any governing board or executive head of an agency affected by the provisions of this Act find need for the employment of a person in a class or kind of work which he believes is not described in the Position Classification Plan, such board or executive head shall notify the Classification Officer of the facts, and such Classification Officer shall promptly provide, within the limitations of the General Appropriations Act [and subject to the approval of the State Auditor after obtaining the advice of the Legislative Audit Committee], either an existing or a new class description of work and a corresponding salary range which will permit such needed employment. Notification of such action shall be made to the Comptroller of Public Accounts by the Classification Officer. Nothing in this paragraph or in this Act, however, shall be so construed as to authorize an increase in the number of positions or in the amount of appropriations as may be set forth for any such agency in the General Appropriations Act.

SECTION 6.06. Section 6, Position Classification Act of 1961 (Article 6252-11, Vernon's Texas Civil Statutes), as amended by Chapter 599, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

Sec. 6. (a) ~~The [There is hereby established in the office of the State Auditor the position of Classification Officer. The Classification Officer shall be appointed by the State Auditor, subject to the advice and approval of the Legislative Audit Committee. No person shall be appointed to the office of Classification Officer who has not had a minimum of six (6) years experience in position classification or personnel management work, or an equivalent period of experience in related work in State employment as to peculiarly qualify him for the position. Such Classification Officer shall be paid such annual salary as may be set in the Appropriations Act, and shall have for the performance of his duties such assistance as the State Auditor may assign to him from the appropriations provided for that purpose.~~

~~[(b) The Classification Officer may, subject to the approval of the State Auditor and the Legislative Audit Committee, appoint a First Assistant Classification Officer to whom he may delegate in his absence statutory authority and responsibility as is provided the Classification Officer in this Act and other acts relating to the Position Classification Plan.~~

~~[(c) The Classification Officer also may have at his disposal when available without charge the use of the data processing center in the office of the Comptroller~~

of Public Accounts for purposes of processing any position classification data that might be pertinent and useful.

~~[(d) In accordance with the provisions of law, the]~~ Classification Officer is employed by the Texas Office of Personnel Services and shall maintain on a current and accurate basis the Position Classification Plan, advise and assist State agencies to insure equitable and uniform application of such Plan, conduct [assist in] personnel audits to assure conformity, and make such recommendations as [he may think] necessary and desirable respecting the operation and improvement of the Position Classification Plan to the Governor and the Legislature.

~~(b) The Texas Office of Personnel Services, through the [The] Classification Officer,~~ also shall make periodic studies of salary rates paid in industry and other governmental units for like or similar work performed in the State Government, and shall report its ~~[his]~~ findings and recommendations for the realistic adjustment of State salary ranges to the Governor's Budget Office and to the Legislative Budget Board by not later than October 1st immediately preceding a Regular Session of the Legislature.

~~(c) [(e)]~~ When exceptions to or violations of the Position Classification Plan or of prescribed salary ranges are revealed by personnel audits, the Classification Officer shall notify the agency head in writing and specify the points of nonconformity or violation. The executive head of such agency shall then have reasonable opportunity to resolve the exception or end the violation by reassigning the employee to another position title or class consistent with the work actually performed, by changing the employee's title or salary rate to conform to the prescribed Classification Plan and salary range, or by obtaining a new class description of work and salary range to correct the exception or violation.

~~(d) [(f)]~~ If no action is taken by the executive head of such agency to correct or end the exception or violation within twenty (20) calendar days following the date of the written notification made by the Classification Officer, such Officer shall make a written report of the facts to the Governor, ~~[and] the Legislative Budget Board,~~ and the Texas Office of Personnel Services. The Texas Office of Personnel Services [Governor] may then determine[, after obtaining the advice of the Legislative Audit Committee,] the action to be taken in correcting the exception or violation and may[, within his discretion,] direct the Comptroller not to issue payroll warrants for the employee or for the position affected by the exception or violation until such discrepancy has been corrected.

SECTION 6.07. (a) The equal employment opportunity office in the governor's office is abolished. Any reference in law to the equal employment opportunity office means the Texas Office of Personnel Services.

(b) The personnel, property, and records of the equal employment opportunity office on the effective date of this part are transferred to the Texas Office of Personnel Services.

(c) The personnel, including the classification officer, property, and records of the state auditor's office on the effective date of this part that relate primarily to the administration of the state position classification plan are transferred to the Texas Office of Personnel Services. The state auditor shall determine which personnel, property, and records are to be transferred under this subsection.

(d) A rule adopted by the equal employment opportunity office or the classification officer that is in effect on the effective date of this part continues in effect until it is amended or repealed by the Texas Employment Commission or it expires by its own terms.

SECTION 6.08. Any unexpended and unobligated funds appropriated for the state fiscal biennium ending August 31, 1993, for the programs described by Section 466.003(c), Government Code, as added by this part, are transferred to the Texas Office of Personnel Services for the purposes for which they were

appropriated. The Legislative Budget Board shall determine the amounts of the funds to be transferred under this section.

SECTION 6.09. (a) This part takes effect September 1, 1992, if the 72nd Legislature appropriates an amount before that date specifically for the Texas Office of Personnel Services.

(b) If this part does not take effect as provided by Subsection (a) of this section, this part, except Subsection (c) of this section, takes effect on the first day of the first state fiscal year for which the legislature appropriates an amount specifically for the Texas Office of Personnel Services.

(c) If this part does not take effect as provided by Subsection (a) of this section, this subsection takes effect September 1, 1992, and the Texas Employment Commission shall prepare and submit to the Legislative Budget Board a budget request that would provide adequate funding for the Texas Office of Personnel Services. The budget request must be prepared and submitted in sufficient time for the request to be adequately studied by the Legislative Budget Board and considered during the regular session of the 73rd Legislature.

(d) When this part takes effect, the personnel function of the General Services Department and all funds appropriated for that function are transferred to the Office of Personnel Services.

PART 7. REPEALER

SECTION 7.01. (a) The following laws are repealed:

(1) Sections 2.01-2.07, 2.09, 3.27, and 14.05, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes);

(2) Subsection (b), Section 6.051, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by Section 4, Chapter 779, Acts of the 71st Legislature, Regular Session, 1989;

(3) Article 99, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes); and

(4) Chapter 454, Acts of the 65th Legislature, Regular Session, 1977 (Article 6252-11c, Vernon's Texas Civil Statutes).

(b) Article 8, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is repealed on certification by the comptroller of the implementation of the fixed asset component of the uniform statewide accounting system.

(c) Riders 25 and 26 under the appropriation to the State Purchasing and General Services Commission in the General Appropriations Act for the biennium ending August 31, 1993 (page I-228, H.B. 1, Acts of the 72nd Legislature, 1st Called Session, 1991), are repealed.

PART 8. TRANSITIONAL MATTERS

SECTION 8.01. (a) As soon as possible after the effective date of this Act, the governor shall appoint the initial members of the governing board of the General Services Department in accordance with Article 601k, Revised Statutes, as added by this Act. The governor shall appoint two members to terms expiring February 1, 1993, two to terms expiring February 1, 1995, and two to terms expiring February 1, 1997. The governor shall appoint the initial executive director to a term expiring February 1, 1993.

(b) The department may not take action until at least a quorum of the appointees have taken office and the executive director has taken office. The governor shall set the amount of the initial bond required of the executive director by Section 9(a), Article 601k, Revised Statutes, as added by this Act.

SECTION 8.02. (a) On the date that the General Services Department may first take action under Section 8.01 of this Act, the State Purchasing and General Services Commission is abolished. On that date, the powers, duties, obligations,

rights, contracts, records, personnel, property, and unspent appropriations and other funds of the commission are transferred to the department.

(b) All rules of the State Purchasing and General Services Commission are continued in effect as rules of the General Services Department until superseded by a rule of the department.

(c) Notwithstanding the changes in law made by this Act, until the date that the State Purchasing and General Services Commission is abolished as provided by this section, the members of the commission on the effective date of this Act may continue in office and exercise the powers and duties of the commission under the law that governed the existence of the commission before the effective date of this Act, and the prior law is continued in effect for this purpose. The commission shall make any appropriate transfers required of the department under this part if the transfer under Subsection (a) of this section is delayed.

SECTION 8.03. If the State Purchasing and General Services Commission has effectively authorized another state agency to take an action, the action may be taken even if the action is taken after the date that the commission is abolished unless the authorization is lawfully rescinded by the General Services Department before the action is taken.

SECTION 8.04. (a) The change in law to Section 5.20(c), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), made by this Act that relates to allowing bidders at least 30 days to respond to an invitation to bid, and the change in law to Section 5.22(b), State Purchasing and General Services Act, made by this Act that relates to allowing each private architect/engineer at least 30 days to prepare for an interview, apply only in relation to a contract for which the General Services Department issues bid documents on or after the effective date of this Act.

(b) The General Services Department is required to identify only one of its own commercial activities for competitive cost review under Section 13.03, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by this Act, for the biennium ending August 31, 1993.

SECTION 8.05. (a) The school bus revolving fund formerly established under Section 21.180, Education Code, is abolished subject to the satisfaction of any valid outstanding obligations against the fund. The General Services Department shall transfer any money remaining in the fund after the satisfaction of all valid outstanding obligations against the fund to the state treasury for deposit in the general revenue fund. The department shall transfer any money received by the department after the date the fund was abolished that was owed to the fund before the date the fund was abolished to the state treasury for deposit in the general revenue fund.

(b) The changes in law made by this Act relating to a contract for the lease of one or more school buses under Section 21.182, Education Code, and other law apply only to a contract made on or after the effective date of this Act except that the reporting requirements added to Subsection (h), Section 21.182, Education Code, by this Act apply according to their terms to any contract under Section 21.182. Otherwise, a contract for the lease of one or more school buses that was made under Section 21.182, Education Code, before the effective date of this Act is governed by the law relating to a contract for the lease of one or more school buses by a county or local district school board in effect on the date that the contract was made, and that law is continued in effect for this purpose.

SECTION 8.06. (a) The changes in law made by Part 4 of this Act relating to the dissemination of information about the architectural barriers program, the setting and collecting of fees to recover program costs, and the transfer of that program from the General Services Department to the Texas Department of Licensing and Regulation apply beginning on the effective date of this Act. All other

changes in law made by Part 4 of this Act relating to the architectural barriers program do not apply until January 1, 1992, and until that date the former law governs the program and is continued in effect for this purpose.

(b) On the effective date of this Act all powers, duties, and obligations relating to the architectural barriers program are transferred from the General Services Department to the Texas Department of Licensing and Regulation as provided by this Act. All records and property in the custody of the General Services Department that relate to the program are transferred to the Texas Department of Licensing and Regulation. All appropriations to the General Services Department for the operation of the program and all employees of the General Services Department employed to operate the program are transferred to the Texas Department of Licensing and Regulation. All investigations and all filed complaints relating to the program are transferred without change in status from the General Services Department to the Texas Department of Licensing and Regulation. All General Services Department rules, standards, and specifications relating to the program remain in effect as Texas Department of Licensing and Regulation rules, standards, and specifications unless superseded by proper authority of the Texas Department of Licensing and Regulation.

SECTION 8.07. A privately financed building that was constructed on or after January 1, 1978, but before January 1, 1992, and that was covered under the architectural barriers law in effect immediately before the effective date of this Act (Article 7, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), and rules adopted under that law) remains subject to the prior architectural barriers law and rules until the building is substantially renovated, modified, or altered, and the prior law and rules are continued in effect for this purpose. The Texas Department of Licensing and Regulation shall enforce the prior law and rules under this section, and all enforcement mechanisms available to the department in its enforcement of the architectural barriers law and rules are available to the department in its enforcement of the prior law and rules under this section.

SECTION 8.08. (a) A contract that was made before the effective date of this Act to which Chapter 454, Acts of the 65th Legislature, Regular Session, 1977 (Article 6252-11c, Vernon's Texas Civil Statutes), applied is neither void nor voidable solely for a failure to comply with that law's requirements, if the contract was made in compliance with that law either as it was originally enacted in 1977 or as it was amended by Article 98, Chapter 773, Acts of the 66th Legislature, 1979.

(b) The changes in law made by Part 5 of this Act relating to consulting, professional, and routine services apply only to a contract or a contract extension, amendment, or renewal made on or after the effective date of this Act. A contract relating to those services that was made before the effective date of this Act is governed by the law in effect at the time the contract was made, except for matters relating to an extension, amendment, or renewal of such a contract on or after the effective date of this Act, and the prior law is continued in effect for this purpose.

SECTION 8.09. The General Services Department shall study the benefits of a central state vehicle fleet and other issues related to centralized vehicle services for state government. The department shall develop and recommend an implementation plan as part of the study. The study shall address issues related to the state's vehicle fleet and vehicle services that were addressed by the Texas Performance Review and by the various versions of related legislation that were considered by the 72nd Legislature, 1st Called Session, together with other issues that the department considers relevant. The department shall report the findings of its study and its implementation plan to the governor and to the presiding officer of each house of the legislature not later than the date on which the 73rd Legislature convenes in regular session.

SECTION 8.10. The first policy statement required to be filed under Section 10(g), Article 601k, Revised Statutes, as added by this Act, must be filed before February 1, 1992.

SECTION 8.11. The changes in law made by Subchapter L, Chapter 403, Government Code, as added by this Act, take effect on certification by the comptroller of the implementation of the fixed asset component of the uniform statewide accounting system.

PART 9. EFFECTIVE DATE; EMERGENCY CLAUSE

SECTION 9.01. This Act takes effect September 1, 1991, except as otherwise provided by this Act.

SECTION 9.02. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

The amendment was read.

POINT OF ORDER

Senator Harris of Dallas raised a Point of Order that the amendment was not germane to the body of the bill and that the caption contained two subject matters.

Question—Shall Floor Amendment No. 1 be adopted?

RECESS

On motion of Senator Brooks, the Senate at 4:18 p.m. took recess until 5:00 p.m. today.

AFTER RECESS

The Senate met at 5:00 p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

House Chamber
August 25, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 102, Relating to local government purchasing.

The House suspended all necessary rules and concurred in Senate amendments to **H.B. 93** by a record vote of 130 Ayes, 1 Noes.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

Question—Shall Floor Amendment No. 1 be adopted?

POINT OF ORDER SUSTAINED

The President ruled that Article 3, Section 30 of the Texas Constitution provides that no bill shall be amended so as to change its original purpose. Senate Rule 7.17 enacts this constitutional provision by providing that no motion or proposition on a subject different than that under consideration may be admitted.

The purpose of these provisions is to prevent the amending of a proposition to include a multitude of non-related matters which have not followed the usual course provided for legislation.

H.B. 39 as passed by the House provides for the continuation and operation of the state purchasing agency. Specific provisions of the bill deal only with the operation of that agency and with the provision of services by that agency.

The substitute in question has been offered shortly after this bill was reported from committee without amendment. And though there has been insufficient time to fully examine the substitute, it is clear that the proposed substitute addresses matters outside the scope of the original bill as received from the House.

While matters such as the Office of Personnel Services may be within the Governor's call of the session, they are properly addressed in separate legislation.

Where the purpose of a provision such as the Office of Personnel Services is different from that of the original bill it is not sufficient that the substitute attempts to link the personnel office to the general services commission. The two provisions still have two separate and distinct purposes, that being the operation of two separate State agencies.

Since this substitute addresses a subject not included in the original bill, the substitute changes the original purpose of the legislation and therefore the Point of Order is respectfully sustained.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 2

Amend **H.B. 39** by striking all below the enacting clause and substituting in lieu thereof the following:

PART 1. CREATION AND ADMINISTRATION OF GENERAL SERVICES DEPARTMENT

SECTION 1.01. Title 20, Revised Statutes, is amended by adding Article 601k to read as follows:

Art. 601k. GENERAL SERVICES DEPARTMENT

Sec. 1. DEFINITIONS. In this article:

- (1) "Board" means the governing board of the department.
- (2) "Department" means the General Services Department.
- (3) "Director" means the executive director of the department.

Sec. 2. DEPARTMENT. The General Services Department is an agency of the state.

Sec. 3. APPLICATION OF SUNSET ACT. The General Services Department is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this article expires September 1, 1993.

Sec. 4. COMPOSITION OF GOVERNING BOARD. (a) The governing board of the department is the Board of General Services. The board is composed of six members.

(b) The members of the board are appointed by the governor with the advice and consent of the senate for staggered terms of six years with two members' terms expiring February 1 of each odd-numbered year.

(c) Appointments to the board shall be made without regard to the race, color, handicap, sex, religion, age, or national origin of the appointees.

Sec. 5. REMOVAL OF BOARD MEMBERS. (a) It is a ground for removal from the board if a member:

- (1) violates a prohibition established by Section 6 of this article;
- (2) cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or

(3) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the board.

(b) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists.

(c) If the director has knowledge that a potential ground for removal exists, the director shall notify the presiding officer of the board of the ground. The presiding officer shall then notify the governor that a potential ground for removal exists.

Sec. 6. CONFLICT OF INTEREST. (a) A member of the board or a director or employee of the department may not:

(1) be an officer, employee, or paid consultant of a business entity that contracts with the state;

(2) directly own, control, or have any interest in a business entity that contracts with the state;

(3) have a direct financial interest in a contract or bid for furnishing a state agency with goods or services; or

(4) accept or solicit any gift, favor, or service that would reasonably tend to influence the person in the discharge of official duties or that the person knows or should know is being offered with the intent to influence official conduct.

(b) An officer, employee, or paid consultant of a business entity or a trade association of business entities that contracts with any agency of the state or that bids for furnishing supplies, services, or equipment of any kind to any agency of the state may not be a member of the board or the director or an employee of the department.

(c) A person who is the spouse of an officer, manager, or paid consultant of a trade association of business entities that contracts with any agency of the state or that bids for furnishing supplies, services, or equipment of any kind to any agency of the state may not be a member of the board or the director or an employee of the department.

(d) For the purposes of this section, a trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(e) A person may not be a member of the board or the director or an employee of the department if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a business entity that has an interest in a contract with the state or a profession related to the operation of the department.

Sec. 7. OFFICERS; COMPENSATION; MEETINGS. (a) The governor designates the presiding officer of the board. The board shall elect from among its members an assistant presiding officer and a secretary.

(b) The board shall meet at least quarterly.

(c) A member of the board may not receive compensation for service on the board. A member is entitled to receive reimbursement, subject to any applicable limitation on reimbursement provided by the General Appropriations Act, for actual and necessary expenses incurred in performing services as a member of the board.

(d) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

Sec. 8. GENERAL POWERS AND DUTIES. (a) The board may adopt rules for its internal management and control.

(b) The board shall perform the duties assigned to the department under this article or other law.

(c) The board possesses the powers and shall perform the duties assigned by law to the State Purchasing and General Services Commission or its predecessors in function.

(d) The board shall report to the governor annually and to the legislature at each regular session on the department's activities. The board may make recommendations in those reports on matters under its jurisdiction. The board shall recommend amendments to current law that would result in increased effectiveness, efficiency, or economy in the areas under its jurisdiction. The board may make other reports in its discretion.

(e) The board may appoint advisory committees to assist it in the performance of its duties. A member of an advisory committee appointed by the board may not receive compensation for service on the advisory committee. A member appointed under this article is entitled to receive reimbursement, subject to any applicable limitation on reimbursement provided by the General Appropriations Act, for actual and necessary expenses incurred in performing services as a member of the advisory committee.

Sec. 9. DIRECTOR; DIVISION OF DEPARTMENTAL DUTIES. (a) The governor with the advice and consent of the senate shall appoint the executive director of the department. The director serves for a two-year term that expires February 1 of each odd-numbered year. The director shall execute a bond payable to the state in an amount set by the members of the board conditioned on the faithful performance of the duties of the office. Premiums for the bond are payable from appropriations to the department. The director must have demonstrated executive and organizational ability.

(b) The director shall manage the affairs of the department. The director shall establish divisions and positions within the department that the director considers necessary to perform the department's duties.

(c) The director shall provide administrative support to the members of the board that is necessary for the performance of the functions of the members.

(d) The members of the board shall establish policy, adopt rules that the board may adopt under law, evaluate the implementation of new legislation that affects the department's duties, review and comment on the department's budget, prepare an annual report of the department's activities, conduct investigations and studies, and develop long-range plans for the future goals and needs of the department. The members of the board may not be involved in the daily operation of the department. The board may delegate to the director the duties of the board under this article and other law that are not covered by the description of the members' duties under this subsection.

Sec. 10. PERSONNEL. (a) The director shall employ personnel necessary for the performance of department functions. In addition to other personnel, the director shall employ a human rights officer and an internal auditor. The internal auditor shall report directly to the governor.

(b) The director shall provide to board members and department employees, as often as necessary, information regarding their qualifications for office or employment under this article and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.

(c) The board and director shall jointly develop and implement policies that clearly define the respective responsibilities of the members of the board and the director and staff of the department in accordance with this article.

(d) The director or the director's designee shall develop an intra-agency career ladder program. The program shall require intra-agency postings of all nonentry level positions concurrently with any public posting.

(e) The director or the director's designee shall develop a system of annual performance evaluations. All merit pay for department employees must be based on the system established under this subsection.

(f) The director or the director's designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, handicap, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel;

(2) a comprehensive analysis of the department work force that meets federal and state guidelines;

(3) procedures by which a determination can be made of significant underuse in the department work force of all persons for whom federal or state guidelines encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of significant underuse.

(g) A policy statement prepared under Subsection (f) of this section must cover an annual period, be updated at least annually, and be filed with the governor's office.

(h) The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (g) of this section. The report may be made separately or as a part of other biennial reports made to the legislature.

Sec. 11. FISCAL REPORT. The department shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the department during the preceding fiscal year. The annual report must be in the form and reported in the time provided by the General Appropriations Act.

Sec. 12. PUBLIC INTEREST INFORMATION AND COMPLAINTS. (a) The department shall prepare information of public interest describing the functions of the department and the department's procedures by which complaints are filed with and resolved by the department. The department shall make the information available to the public and appropriate state agencies.

(b) The department shall keep an information file about each complaint filed with the department that the department has authority to resolve. If a written complaint is filed with the department that the department has authority to resolve, the department, at least quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an undercover investigation.

(c) The department shall prepare and maintain a written plan that describes how a person who does not speak English or who has a physical, mental, or developmental disability can be provided reasonable access to the department's programs.

PART 2. DEPARTMENT FUNCTIONS UNDER STATE PURCHASING AND GENERAL SERVICES ACT

SECTION 2.01. Section 1.02(1), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(1) "Commission" means the [State Purchasing and] General Services Department [Commission].

SECTION 2.02. Section 1.03, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by Chapter 677, Acts of the 72nd Legislature, Regular Session, 1991, is amended by adding Subsections (e) and (f) to read as follows:

(e) The commission shall appoint an advisory committee with at least three members composed of owners of disadvantaged businesses. A committee member serves at the will of the commission. A committee member may not receive compensation for service on the committee but is entitled to reimbursement for

actual and necessary expenses incurred in performing functions as a member of the committee. The committee, in coordination with the Department of Commerce Office of Minority Business Development, shall study the commission's rules and procedures that relate to bidding, purchasing, and contracting with the state in general. The committee shall recommend changes in law to the legislature and changes in rules to the commission that are necessary to facilitate the participation of disadvantaged businesses in state contracting. The commission shall issue a report outlining such recommendations and outlining the results of efforts undertaken by the commission under this section and Sections 3.10(b) and 5.36 of this Act. The report shall be submitted to the governor and to the presiding officer of each house of the legislature prior to January 1, 1993.

(f) This section and Sections 3.10(b) and 5.36 of this Act do not exempt the commission from competitive procurement requirements provided by law.

SECTION 2.03. Section 3.01(c), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) "Services," as used in this article, means the furnishing of skilled or unskilled labor or professional work but does not include:

- (1) professional services covered by the Professional Services Procurement Act (Article 664-4, Vernon's Texas Civil Statutes);
- (2) services of an employee of a state agency;
- (3) ~~consulting services or services of a private consultant as defined by Chapter 454, Acts of the 65th Legislature, Regular Session, 1977 (Article 6252-11c, Vernon's Texas Civil Statutes), or~~
- ~~[(4)]~~ services of public utilities; or
- (4) services to which Article 601i, Revised Statutes, applies.

SECTION 2.04. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.012 to read as follows:

Sec. 3.012. PRIORITIES. The commission to the extent possible shall focus its efforts under this article on purchases and contracts that involve relatively large amounts of money.

SECTION 2.05. Section 3.022(f), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(f) The commission shall make a written award of a purchase or lease to the offeror whose proposal is the most advantageous to the state, considering price and the evaluation factors in the request for proposals, except that if the commission finds that none of the offers is acceptable, it shall refuse all offers. In determining which proposal is most advantageous to the state, the commission shall consider factors such as installation costs, the overall life of the system or equipment, the cost of acquisition, operation, and maintenance of hardware included with, associated with, or required for the system or equipment during the state's ownership or lease, and the cost of acquisition, operation, and maintenance of software included with, associated with, or required for the system or equipment during the state's ownership or lease. [The commission may not use any other factors or criteria in its evaluation.] The contract file must state in writing the basis on which the award is made.

SECTION 2.06. Sections 3.08(a), (c), (e), and (f), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) State agencies are delegated the authority to purchase supplies, materials, and equipment if the purchase does not exceed \$5,000, although an agency may continue to use the commission's services for those purchases [5000]. The commission by rule shall prescribe procedures for these purchases, and by rule may

delegate to state agencies the authority to purchase supplies, materials, or equipment if the purchase exceeds \$5,000 [~~\$500~~].

(c) Competitive bidding, whether formal or informal, is not required for a purchase by a state agency if the purchase does not exceed \$1,000 [~~\$100~~], or a greater amount prescribed by rule of the commission.

(e) Large purchases may not be divided into small lot purchases in order to meet the specified dollar limits. The commission may not require that unrelated purchases be combined into one purchase order in order to exceed the specified dollar limits.

(f) Agencies making purchases under this section for which competitive bidding is required must attempt to obtain at least three competitive bids from sources which normally offer for sale the merchandise being purchased and must comply with Section 3.101 of this article.

SECTION 2.061. Section 3.10, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by Chapter 677, Acts of the 72nd Legislature, Regular Session, 1991, is amended by adding Subsection (c) to read as follows:

(c) The commission shall make a good faith effort to assist Texas businesses to receive a significant percentage of the total value of all contract awards for the purchase of supplies, materials, services, and equipment that the commission expects to make for a state agency in its fiscal year.

SECTION 2.07. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.101 to read as follows:

Sec. 3.101. BIDDERS LISTS. (a) This section:

(1) applies to all purchases under this article for which competitive bidding or competitive sealed proposals are required;

(2) applies to all state agencies that make purchases under this article, including the commission and agencies that make purchases under Section 3.06 of this article; and

(3) does not apply to purchases made by the commission under Section 3.11 of this article.

(b) The commission shall develop a uniform registration form for application to do business with the commission or with any state agency. The registration forms shall constitute a valid application for a bidders list by all state agencies. This subsection does not prevent a state agency from developing and using its own registration form, but such forms may not be required in addition to or in lieu of the uniform registration form developed by the commission.

(c) Each state agency shall maintain a bidders list and annually register on the list the name and address of each vendor that applies for registration in accordance with rules adopted under this section. An agency may include other relevant vendor information on the list. Each agency shall solicit bids or proposals from all eligible vendors on the list, as provided by this section, when the agency proposes to make a purchase that will cost more than \$5,000.

(d) A state agency may charge applicants for registration a fee and may charge registrants an annual renewal fee in an amount designed to recover the agency's costs in developing and maintaining its bidders list and in soliciting bids or proposals under this section. An agency shall set the amount of the fees by rule.

(e) Each state agency shall adopt procedures for developing and maintaining its bidders list and procedures for removing inactive vendors from the list.

(f) Each state agency shall establish by rule a vendor classification process under which only vendors that may be able to make a bid or proposal on a particular purchase are solicited under this section.

(g) The commission may establish by rule a process under which the requirement for soliciting bids or proposals from eligible vendors on the bidders list

may be waived for appropriate state agencies or appropriate purchases in circumstances in which the requirement is not warranted. The commission also may assist state agencies regarding issues that arise under this section.

SECTION 2.08. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.102 to read as follows:

Sec. 3.102. CERTAIN BIDS AND CONTRACTS PROHIBITED. A state agency may not accept a bid or award a contract that includes proposed financial participation by a person who received compensation from the agency to participate in the preparation of the specifications or request for proposals on which the bid or contract is based. A bidder or contract participant may provide free technical assistance to an agency under this section.

SECTION 2.09. Section 3.11(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) Bidders List. The commission shall maintain a bidders list and shall add or delete names from the list by the application and utilization of applicable standards set forth in Subsection (e) of this section. Bid invitations shall be sent only to those who have expressed a desire to bid on the particular types of items which are the subject of the bid invitation. Use of the bidders list shall not be confined to contract purchases but it may be used by the commission [~~as it may find desirable~~] in making any purchase.

SECTION 2.10. Section 3.17, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.17. SPECIFICATIONS AND STANDARDS PROGRAM; TEST AND INSPECTION PROGRAM. (a) The commission shall have the authority to establish and maintain a specifications and standards program to coordinate the establishment and maintenance of uniform standards and specifications for materials, supplies, and equipment purchased by the commission. The commission shall enlist the cooperation of other state agencies in the establishment, maintenance, and revision of uniform standards and specifications and shall encourage and foster the use of standard specifications in order that the most efficient purchase of materials, supplies, and equipment may be continuously accomplished.

(b) As part of the standards and specifications program, the commission shall review existing contracts for recycling waste produced at state buildings. The commission shall review existing contracts and procedures to ensure that all services meet contract specifications.

(c) The commission shall [~~may also~~] establish and maintain a program of testing and inspecting to ensure that materials, supplies, services, and equipment meet specifications, and may make contracts for testing. If any state agency determines that any supplies, materials, services, or equipment received do not meet specifications, it shall promptly notify the commission in writing detailing the reasons why the supplies, materials, services, or equipment do not meet the specifications of the contract. The commission shall immediately determine whether or not the reported supplies, materials, services, or equipment meet specifications. The sole power to determine whether materials, supplies, services, and equipment meet specifications shall rest with the commission. The commission shall provide for the inspecting and testing of all costly purchases and may adopt rules necessary to carry out this duty. When the commission finds that contract specifications or conditions have not been complied with, it shall take action, with the assistance of the attorney general, if necessary, against the defaulting contractor. If the commission receives repeated complaints regarding a vendor, the commission may remove the vendor's name from the commission's bidders list. The commission may not remove a vendor's name from the commission's bidders list

for a period exceeding one year unless the vendor's actions have caused serious harm to the state, its service recipients, or the public. The commission by rule shall adopt criteria for determining when a vendor should be removed from the bidders list.

SECTION 2.101. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.181 to read as follows:

Sec. 3.181. STATEWIDE OR REGIONAL SERVICES CONTRACTS; COMMISSION STUDIES. (a) The commission annually shall select for study at least one service that is purchased by one or more state agencies. The commission shall study a selected service to determine whether the state would benefit if the service were provided to appropriate state agencies under a regional or statewide contract. The commission shall give priority to studying services for which the commission has delegated the purchasing function to many state agencies.

(b) The commission is not required to enter into a statewide or regional contract for the provision of a service to state agencies if more than five bidders are willing to provide the service to the state under a statewide or regional contract.

SECTION 2.11. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.201 to read as follows:

Sec. 3.201. PREFERENCE FOR ENERGY EFFICIENT PRODUCTS. The commission shall give preference to energy efficient products in purchases made under this Act if:

(1) the products meet state specifications as to quantity and quality;
and

(2) the cost of the product is equal to or less than the cost of other similar products that are not energy efficient.

SECTION 2.12. Section 3.23, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.23. CONTRACTS WITH DEPARTMENT OF CRIMINAL JUSTICE [CORRECTIONS]. The commission is [hereby] authorized to make contracts with the Texas Department of Criminal Justice [Corrections] for the purchase of supplies, equipment, services, and materials for use by other state agencies.

SECTION 2.13. Section 3.29, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by amending Subsection (a) and by adding Subsections (g) and (h) to read as follows:

(a) A state agency may not purchase or lease a vehicle designed or used primarily for the transportation of persons, including a station wagon, that has a wheel base longer than 113 inches or that has more than 160 [145] SAE net horsepower. This provision does not apply to the purchase or lease of a vehicle to be used primarily for criminal law enforcement or a bus, motorcycle, pickup, van, truck, three-wheel vehicle, tractor, or ambulance.

(g) In this section, a vehicle is considered to be capable of using compressed natural gas or other alternative fuels if the vehicle is capable of using compressed natural gas or other alternative fuels either in its original equipment engine or in an engine that has been converted to use compressed natural gas or other alternative fuels after September 1, 1991, unless the time for compliance is extended under Subsection (h) of this section.

(h) The commission may extend the date by which a vehicle powered by a traditional gasoline or diesel engine shall be capable of using compressed natural gas or other alternative fuels as required under this section for one or more periods of 90 days, but not beyond September 1, 1992, if it finds a lack of ability to acquire such vehicles with original alternative fuels equipment, to acquire such vehicles

which are able to be converted, or to convert such vehicles to use compressed natural gas or other alternative fuels.

SECTION 2.14. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.301 to read as follows:

Sec. 3.301. CREDIT CARDS. The commission may issue a state credit card to a state agency that may be used by the agency to make purchases that do not exceed \$250.

SECTION 2.15. Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 3.32 to read as follows:

Sec. 3.32. SAFETY STANDARDS FOR ELECTRICAL ITEMS. The commission or another state agency may not purchase an electrical item unless the item meets applicable safety standards of the federal Occupational Safety and Health Administration.

SECTION 2.16. Article 4, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 4.081 to read as follows:

Sec. 4.081. NAMING OF PUBLIC BUILDINGS. Buildings owned by the state, including buildings financed under the Texas Public Finance Authority Act (Article 601d, Vernon's Texas Civil Statutes), shall be named in accordance with the procedure prescribed by this section. The commission shall submit names proposed for new state buildings, or proposals to rename existing state buildings, to the presiding officers of the house and senate. Approval of names to be placed on new state buildings, or the renaming of existing buildings, proposed by the commission shall be authorized only by concurrent resolution passed in a regular or special session of the legislature and signed by the governor. Any building, other than a building of an institution of higher education or a prison, that bears the name of a person must bear the name of a deceased person whose life was significant in the history of the state.

SECTION 2.17. Section 4.09, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4.09. REPORT ABOUT IMPROVEMENTS AND REPAIRS. The commission shall biennially on December 1st make a report to the governor showing all improvements and repairs that have been made with an itemized account of receipts and expenditures, and showing the condition of all property under its control with an estimate of needed improvements and repairs. The estimate shall be consistent with the recommendations made in the 10-Year Strategic Plan required by Section 5.35 of this Act.

SECTION 2.18. Subsections (g) and (m), Section 4.12, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are amended to read as follows:

(g)(1) The commission shall carry out the provisions of this section through a chief of Capitol security, selected by the executive director of the commission. The chief of Capitol security may be a commissioned peace officer and shall hold the position of a division director of the commission, exempt from the state employees classification system, reporting directly to the executive director of the commission. The chief shall develop and submit to the executive director for approval a plan that clearly sets forth the mission of the security function under this section. The chief shall also develop and submit to the executive director for approval personnel policies and procedures that relate to the security function under this section.

(2) The commission is authorized to employ other security officers for the purpose of assisting the chief in carrying out the provisions of this section and may commission such security officers as it deems necessary as peace officers.

When so commissioned, said officers are [hereby] vested with all the powers, privileges, and immunities of peace officers; provided, that the chief and each security officer shall take and file the oath required of peace officers and shall execute and file with the commission a good and sufficient bond in the sum of \$1,000 payable to the governor of this state and his successors in office with two or more good and sufficient sureties conditioned that he will fairly and faithfully perform all of the duties as may be required of him by law, and that he will fairly and impartially enforce the law of this state and that he will pay over any and all money, or turn over any and all property, to the proper person legally entitled to the same, that may come into his possession by virtue of such office. Said bond shall not be void for the first recovery but may be sued on from time to time in the name of any person injured until the whole amount thereof is recovered. It shall be unlawful and constitute a misdemeanor punishable as provided in this section for any person or persons to impersonate the chief or any of said officers.

(m) Nothing herein contained shall be construed to abridge the authority of the commission to grant permission to use [~~the capitol grounds and~~] any grounds adjacent to any state building for such use as may be provided by preexisting law.

SECTION 2.19. Subsection (l), Section 4.15, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by Section 1, Chapter 1244, Acts of the 71st Legislature, Regular Session, 1989, is redesignated as Subsection (m) and amended to read as follows:

(m) [(h)] If the commission determines under Section 5.34 of this Act that the purchase of an existing building is more advantageous to the state than the construction of a new building but a purchase of the building would be subject to existing leases that exceed 15 percent of the total space in the building, the commission may purchase the building subject to existing leases notwithstanding Subsection (c) of this section. When an existing lease expires, the commission may renew the lease subject to this section, including Subsection (c).

SECTION 2.20. Section 5.01A(a), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) In acquiring real property, each using agency of the state, other than those specifically excluded by Sections 5.13 and 5.14 of this article, shall give first consideration to a building that is a historic structure under Section 442.001, Government Code [8, Chapter 500, Acts of the 55th Legislature, Regular Session, 1957 as amended (Article 6145, Vernon's Texas Civil Statutes)], or to a building that has been designated a landmark by the local governing authority, if the building meets requirements and specifications and the cost is not substantially higher than other available structures that meet requirements and specifications.

SECTION 2.21. Section 5.12, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.12. DEFINITIONS. The following terms whenever used or referred to in this article shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(1) "Using agency" means any instrumentality of the state which shall occupy and make use of a state-owned or state-leased building, and for the purpose of this article the commission shall be considered as the using agency for [~~the state capitol, the governor's mansion and for all other~~] state-owned buildings maintained by the commission.

(2) ["Commission" means the State Purchasing and General Services Commission:

[(3)] "Project" means any building construction project, other than those specifically excluded by Sections 5.13 and 5.14 of this article, which shall be financed in whole or in part by specific appropriation, bond issue or federal funds. The term "project" shall include the construction of any building or any structure

or any facility or utility appurtenant thereto, including original equipment and original furnishings thereof, and of any addition to, alteration, rehabilitation, or repair of any existing building or any structure, or any facility or utility appurtenant thereto.

(3) [(4)] "Project analysis" refers to work done prior to legislative appropriation for a project for the purpose of developing a reliable estimate of the cost of a project to be requested of the legislature.

(4) [(5)] "Cost of a project" includes, but shall not be limited to, the cost of all real estate, properties, rights and easements acquired, utility services, site development, the cost of construction and the initial furnishing and equipment thereof, all architectural and engineering and legal expenses, the cost of surveys and plans and specifications, and such other expenses, including those incurred by the commission, as are necessary or incident to determining the feasibility or practicability of any project.

(5) [(6)] "Construction" means and includes acquisition, construction, and reconstruction.

(6) [(7)] "Rehabilitation" means and includes renewal, restoration, extension, enlargement, and improvement.

(7) [(8)] "Equipment" and "furnishings" mean and include any equipment and furnishings whatsoever as may be necessary and required for the use of a project.

(8) [(9)] "Architect/engineer" means a person registered as an architect pursuant to Chapter 478, Acts of the 45th Legislature, Regular Session, 1937, as amended (compiled as Article 249a of Vernon's Texas Civil Statutes), and/or a person registered as a professional engineer pursuant to Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, as amended (compiled as Article 3271a of Vernon's Texas Civil Statutes), employed to provide professional architectural or engineering services and having overall responsibility for the design of a project. The term "architect/engineer" standing by itself may, unless the context clearly indicates otherwise, mean either an architect/engineer employed by the commission on a salary basis or an architect/engineer in private practice retained for a specific project under a contractual agreement with the commission. The term "private architect/engineer" shall specifically and exclusively refer to a registered architect or a registered engineer in private practice retained for a specific project under a contractual agreement with the commission.

(9) [(10)] "Stage construction" means the construction of a project in phases, each phase resulting in one or more buildings or structures which individually or together shall be capable of use regardless of whether subsequent phases of the project are authorized or not.

SECTION 2.22. Section 5.13(d), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) Sections 5.16, 5.17, 5.21, and 5.25 of this article apply to construction projects undertaken by or for the institutional division of the Texas Department of Criminal Justice [Corrections]. No other provisions of this article apply to construction projects undertaken by or for the institutional division of the Texas Department of Criminal Justice [Corrections].

SECTION 2.23. Section 5.16(c), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by Section 4 of Chapter 362 and Section 4 of Chapter 571, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

(c) A project analysis shall consist of (1) a complete description of the facility or project together with a justification of such facility or project prepared by the using agency, (2) a detailed estimate of the amount of space needed to meet the needs of the using agency and to allow for realistic future growth, (3) a description

of the proposed facility prepared by an architect/engineer and including schematic plans and outline specifications describing the type of construction and probable materials to be used, sufficient to establish the general scope and quality of construction, (4) an estimate of the probable cost of construction, (5) a description of the proposed site of the project and an estimate of the cost of site preparation, [and] (6) an overall estimate of the cost of the project, (7) the information about historic structures considered instead of new construction that was prepared as required by Section 5.01A of this article, and (8) other information as required by the commission. A project analysis may include two or more alternative proposals for meeting the space needs of the using agency by (1) new construction, (2) acquisition and rehabilitation of an existing or historic structure, or (3) a combination of the above. If any part of the project involves the construction or rehabilitation of a building that is to be used primarily as a parking garage or for office space for the state government, the project analysis also shall include a description of the amount and location of space in the building that can be made available for lease, under Section 4.15 of this Act, to private tenants or shall include a statement of the reason that the lease of space in the building to private tenants is not feasible. All estimates involved in the preparation of a project analysis shall be carefully and fully documented and incorporated into the project analysis.

Throughout the preparation of the project analysis, the commission and any private architect/engineer employed by the commission shall work closely and cooperatively with the using agency to the end that the project analysis shall fully reflect the needs of the using agency.

The using agency shall use the cost of the project as determined by such project analysis as the basis of its request to the budget offices of this state.

SECTION 2.24. Sections 5.16(a), (d), and (e), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Each using agency of the state which shall desire any project, other than those specifically excluded by Sections 5.13 and 5.14 of this article, shall prepare and submit to the commission a general description of the project. The project must conform to the space requirements developed by the commission under Section 5.37 of this Act and to the 10-Year Strategic Plan required by Section 5.35 of this Act. The commission shall review the description, taking into consideration the needs of the agency, the needs of other agencies, the feasibility of the project, and the feasibility of combining projects. The commission shall prepare a description of the project incorporating its own recommendations. The commission shall cause all such projects to be studied and shall initiate the preparation of a project analysis for all new construction projects and for all other projects where, in the opinion of the commission, the cost of preparing a project analysis is justified.

(d) In the case of projects where, in the opinion of the commission, the cost of a project analysis is not justified or required, the commission shall, in cooperation with the using agency, develop a realistic estimate of the cost of the project. When necessary, the commission shall arrange for an on-site inspection and analysis of the proposed project by a member of its staff. The using agency shall be informed of the cost estimate so developed and shall use such estimate as the basis of its request to the budget offices of this state. The agency shall notify the budget offices of the commission's recommendations under Subsection (a) of this section.

(e) On or before a date to be specified by the budget agencies of this state in each year immediately preceding a regular session of the legislature, the commission shall submit to the budget agencies a report listing all projects requested pursuant to this section and the commission's recommendations for each project. The list shall contain (1) a brief and specific justification of each project as prepared by the using agency, (2) a summary of the project analysis where one was made or a

statement briefly describing the cost-estimating method used for projects for which a project analysis was not made, (3) a project cost estimate developed in accordance with the provisions of this section, with sufficient detail given to afford the budget agencies, the governor, and the legislature the widest possible latitude in developing policy in regard to each such project request, (4) an estimate, prepared by the commission with the cooperation of the using agency and with the cooperation of the private architect/engineer employed, of the annual cost of maintaining the completed project including the estimated cost of utility services, ~~[and]~~ (5) an estimate, prepared by the using agency, of the annual cost of staffing and operating the completed project exclusive of maintenance cost, and (6) an explanation of how the project would conform to the 10-Year Strategic Plan. Where appropriate, the commission, with input from [the approval of] the using agency, may indicate the feasibility of stage construction of a requested project and may indicate the degree to which funds would be required in the next biennium if the project were undertaken in stages.

SECTION 2.25. Section 5.18(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) If the expenditures for fine arts are authorized and appropriated by the legislature, the commission shall consult and cooperate with the Texas Commission on the Arts ~~[and Humanities]~~ for advice in determining how to utilize the portion of the appropriation to be used for fine arts projects.

SECTION 2.26. Sections 5.19(b) and (c), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) The agency or the governing body of a political subdivision may consult and cooperate with the Texas Commission on the Arts ~~[and Humanities]~~ for advice in determining how to utilize the portion of the cost set aside for fine arts purposes.

(c) The Texas Commission on the Arts ~~[and Humanities]~~ shall place emphasis on works by living Texas artists whenever feasible, and when consulting with the governing body of a political subdivision, shall place emphasis on works by artists who reside in or near the political subdivision. Consideration shall be given to artists of all ethnic origins.

SECTION 2.27. Section 5.20(c), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) Following final approval of the working plans and specifications and their acceptance by the using agency, the commission shall cause to be advertised in not less than two newspapers of general circulation for bids or proposals for performance of the construction and related work on the project. The commission shall allow bidders at least 30 days after the date that the commission issues the bid documents to respond to an invitation to bid, but the commission may shorten the period to prevent undue additional costs to a state agency or for emergency projects to prevent or remove a hazard to life or property. Subject to the applicable provisions of other law respecting the award of state contracts, the contract or contracts shall be awarded to the qualified bidder making the lowest and best bid; but no contract shall be awarded for a sum in excess of the amount which the comptroller shall certify to be available for such project. The commission shall have the right to reject any and all bids.

SECTION 2.28. Section 5.22, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Responsibility for the selection of a private architect/engineer employed for any project covered by the provisions of this article shall be vested in the commission. The commission shall adopt rules that state the criteria the commission uses to evaluate the competence and qualifications of private

architects/engineers. The commission shall develop the rules in consultation with the Texas Board of Architectural Examiners and the State Board of Registration for Professional Engineers. The commission shall allow each private architect/engineer selected for an interview at least 30 days after the date the commission notifies the architect/engineer to prepare for the interview.

(c) In recognition of the close working relationship which must exist between the architect/engineer and the using agency, the commission shall request the using agency to make recommendations regarding private architects/engineers and shall consider any such recommendation in making its selection of a private architect/engineer to be employed for a particular project. The commission shall make its selection in accordance with the rules adopted under Subsection (b) of this section ~~[generally accepted standards for such selection]~~ and ~~[in conformity with]~~ the ethical standards of the professional societies of such architects/engineers.

SECTION 2.29. Section 5.26(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The commission shall cause the uniform general conditions of state building construction contracts to be reviewed whenever in its opinion such review is desirable, but in no event less frequently than once every five years. The review shall be made by a committee appointed by the commission consisting of the director of facilities construction and space management, who shall serve ex officio as chairman of the committee and who shall vote only in the event of a tie; two persons appointed by the commission from a list of nominees submitted to it by the President of the Texas Society of Architects; two persons appointed by the commission from a list of nominees submitted to it by the President of the Texas Society of Professional Engineers; ~~[and]~~ two persons appointed by the commission from a list of nominees submitted to it by the Chairman of the Executive Council of the Texas Associated General Contractors Chapters; and two persons appointed by the commission from the list of nominees submitted to it by the Executive Secretary of the Mechanical Contractors Associations of Texas, Incorporated. Members of any review committee appointed pursuant to this subsection shall serve without compensation but may be reimbursed for their necessary and actual expenses.

SECTION 2.30. Sections 5.34(a) and (b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The commission shall continuously survey the office space needs of the state to determine the space needed and the location of the need. Before each legislative session, the commission shall submit to the Legislative Budget Board, the governor, the lieutenant governor, and the speaker of the house of representatives a report that identifies counties in which more than 50,000 square feet of usable office space is needed, and the commission's recommendations for meeting those needs. The commission may recommend the leasing or the purchasing and renovating of one or more existing buildings or the construction of one or more buildings. Recommendations must be consistent with the recommendations in the 10-Year Strategic Plan. The commission may collect appropriate information and data that it considers necessary for the development of its recommendations and report.

(b) If a legislative Act has permitted the issuance of bonds by the Texas Public Finance Authority or the Texas Public Building Authority to construct one or more buildings and improvements in a county, the commission may solicit and receive proposals, using the same procedures applicable to the purchase of other real property, for the purchase of one or more existing buildings with bond proceeds. If evaluation of the proposals by the commission demonstrates that purchase of one or more existing buildings would be an appropriate and financially advantageous means of meeting all or part of the state's office space needs in that county, the

commission shall certify that fact to the appropriate authority and request the authority to issue all or any portion of its bonds previously authorized by the legislature for that purpose.

The determination of financial advantage shall be made after the commission has compared construction and purchase as fairly as possible considering such factors and imputing value as the commission considers appropriate, including but not limited to consideration of the following factors:

- (1) the estimated cost of construction and of acquiring land for the construction;
- (2) the anticipated purchase price for one or more existing buildings;
- (3) the estimated costs of converting one or more existing buildings to state building specifications, including reconstruction costs only when reconstruction is necessary;
- (4) the efficiency and suitability of an existing building's space as configured for the state's use;
- (5) the estimated occupancy dates for proposed construction versus an existing building;
- (6) the value of an existing building's location, parking, landscaping, and other enhancements;
- (7) the remaining useful life of mechanical components of an existing building; and
- (8) the estimated cost of maintenance and operations, including telecommunications services, for each option considered by the commission.

SECTION 2.31. Section 5.35, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.35. DEVELOPMENT OF PLANS REGARDING CONSTRUCTION AND LEASES. (a) The commission shall prepare a long-range plan, called the 10-Year Strategic Plan, containing recommendations for the best use of state-owned and leased space [regarding the needs of state agencies in Travis County which obtain or occupy space under provisions of the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes)]. The plan may apply only to space in Travis County. The plan shall be updated biennially and submitted to the Governor's Office of Budget and Planning and the Legislative Budget Board not later than July 1 of each even-numbered year so that the information can be used in the development of appropriation and capital budget recommendations. In formulating the plan, the commission shall consider:

- (1) the expiration of existing leases;
- (2) financing alternatives;
- (3) use of space within established guidelines;
- (4) locating state agencies in the same building or at the same site to the extent that co-location is feasible;
- (5) access to state services;
- (6) anticipated savings;
- (7) needs for future expansion of agencies and programs; and
- (8) overall feasibility.

(b) ~~[The commission shall establish and maintain a six-year capital planning cycle and shall report biennially a master facilities plan. The plan and each update must be filed with the Governor's Office of Budget and Planning and with the Legislative Budget Board before July 1 of each even-numbered year.]~~ The plan must contain:

- (1) the commission's projections [a projection] of the amount of space that state agencies will need during the next 10 years;
- (2) an examination of the utilization, age, condition, and economic life of state-owned buildings on the inventory of the commission;

(3) an analysis, in accordance with Section 5.16 of this Act, of the projects which have been requested by state agencies and the commission's recommendations for the most efficient means of meeting the space requirements addressed by the project requests;

(4) an examination of the extent to which the state satisfies its need for space by leasing building space and the feasibility of converting to state-owned space;

(5) an examination of the state-paid operation and maintenance costs, including costs for telecommunications services, for existing buildings owned or leased by the state and recommendations for cost savings in this area;

(6) a discussion of the economic and market conditions affecting the costs of the construction or lease of buildings;

(7) recommendations concerning ~~[an analysis of]~~ whether the state will benefit more from satisfying its needs for space by engaging in new projects, by leasing built space, or by satisfying its needs in some other manner; and

(8) other information relevant to the long-range plan and either considered appropriate by the commission or requested in writing by the governor or the presiding officer of either house of the legislature.

(c) Each agency of the state which is housed, either wholly or partly, in facilities on the commission's inventory or in facilities leased through the commission shall be given a copy of the plan to be used in developing specifications for construction projects under Section 5.16 of this Act and in requesting lease space under Section 6.02 of [participate in the long-range planning process required by] this Act. Agencies shall also incorporate the plan's recommendations in developing information for the strategic planning process required by Article 6252-31, Revised Statutes, as added by Chapter 384, Acts of the 72nd Legislature, Regular Session, 1991.

(d) The Legislative Budget Board and the Governor's Office of Budget and Planning shall use the plan's recommendations in making budgeting and appropriations recommendations to the legislature.

(e) This section does not apply to an institution of higher education that complies with the requirements of Sections 61.0572 and 61.0582, Education Code.

SECTION 2.32. Section 5.36, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by Chapter 677, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

Sec. 5.36. PUBLIC WORKS CONTRACTS WITH CERTAIN BUSINESSES. (a) A state agency that enters into a contract for a project, including a project constructed by or for an agency otherwise excepted under Section 5.13 of this article, shall make a good faith effort to assist disadvantaged businesses to receive at least 10 percent of the total value of each construction contract award that the agency expects to make in its fiscal year. Each agency shall estimate the expected total value of contract awards under this article not later than the 60th day of its fiscal year and may revise the estimate as new information requires.

(b) A state agency that enters into a contract for a project, including a project constructed by or for an agency otherwise excepted under Section 5.13 of this article, shall make a good faith effort to assist Texas businesses to receive a significant percent of the total value of each construction contract award that the agency expects to make in its fiscal year.

SECTION 2.33. Article 5, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 5.37 to read as follows:

Sec. 5.37. STANDARDIZED SPACE REQUIREMENTS. (a) The commission shall develop standardized space requirements for better utilization of

state-owned and leased space in Travis County. In developing these requirements, the commission shall consider:

- (1) the most efficient use of space per full-time equivalent employee;
- (2) the availability of state-owned space;
- (3) the availability and cost of lease space;
- (4) the feasibility of locating more than one agency at the same location; and
- (5) the future needs of the agency.

(b) Each state agency housed in facilities in Travis County on the commission's inventory or in facilities in Travis County leased through the commission shall conform to the standard space requirements established by the commission.

(c) The commission shall monitor space used by state agencies in Travis County for compliance. Additional space requests may be delayed until the agency has conformed to the requirements established by the commission.

(d) The commission may temporarily exempt an agency from standard space requirements if a negotiated plan is developed to bring the agency into compliance.

(e) This section does not apply to an institution of higher education that complies with the requirements of Section 61.0572, Education Code.

SECTION 2.34. Section 6.01, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6.01. DEFINITION [DEFINITIONS]. In this article, "space" means office space, warehouse space, laboratory space, storage space exceeding 1,000 gross square feet, or any combination thereof, but does not include aircraft hangar space, radio antenna space, boat storage space, vehicle parking space, residential space for a Texas Department of Mental Health and Mental Retardation program, or space to be utilized for less than one month for meetings, conferences, seminars, conventions, displays, examinations, auctions, or other similar purposes.

SECTION 2.35. Section 6.02(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) After consulting the state agency regarding the amount and type of space requested, the commission shall determine whether a need for the space exists and, if so, the specifications to be used in obtaining the space. The specifications for space in Travis County must be consistent with the standardized space requirements developed under Section 5.37 of this Act.

SECTION 2.36. Section 6.03, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6.03. SHARING SPACE. To the extent feasible, the [The] commission shall [may] consolidate the requests for space of two or more state agencies [with similar needs and obtain space] and allocate space obtained so that it can be shared by the agencies.

SECTION 2.37. Section 6.05(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by Section 3 of Chapter 779 and Section 5 of Chapter 1244, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

(b) The space may be leased from another state agency through an interagency contract, or from the federal government[; a commercial building which is 100 percent owned, either directly or indirectly, by a statewide Texas public retirement system] or a political subdivision, including a county, a municipality, a school district, a water or irrigation district, a hospital district, a council of government, or a regional planning council, [or from a statewide Texas public retirement system in a commercial building that is 100 percent directly or indirectly owned by the retirement system;] through a negotiated contract. The space may also be leased, through a negotiated contract, from a statewide Texas public retirement system in

a commercial building that is 100 percent directly or indirectly owned by the retirement system.

SECTION 2.38. Sections 6.05(d) and (j), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are amended to read as follows:

(d) When competitive bidding is used, the commission shall take into consideration moving costs, the cost of time lost in moving, and other factors, including the cost of telecommunications services, in determining the lowest and best bid.

The commission shall forward copies of all bids received to the leasing agency along with the commission's recommended award. If, after review of the bids and evaluation of all factors involved, the leasing agency determines that the bid selected by the commission is not in its opinion the lowest and best bid, it may file with the commission a written recommendation, complete with justification and full explanation of all factors considered in arriving at the recommendation, that the award be made to a bidder other than the commission's recommended bidder.

The commission shall give full consideration to the agency recommendation and if it does not agree with the agency recommendation, it shall notify the agency in writing. The agency and the commission shall attempt to reach an agreement on the award.

If agreement is not reached within 30 days, all bids and pertinent documents shall be transmitted to the governor who shall designate the bidder to which the award shall be made.

(j) In leasing space for the use of state agencies, the commission shall give first consideration to a building that is a historic structure under Section 442.001, Government Code [8, Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes)], or to a building that has been designated a landmark by the local governing authority, if the building meets requirements and specifications and the cost is not substantially higher than other available structures that meet requirements and specifications. Upon consideration of the leasing of space for the use of a state agency, the commission shall notify all individuals and organizations that are within the county where the leasing is under consideration and that are on a list furnished to the commission by the Texas Historical Commission as required by Section 442.005, Government Code [8C of Chapter 500, Acts of the 55th Legislature, Regular Session, 1957 (Article 6145, Vernon's Texas Civil Statutes)]. At the end of a biennium, the commission shall report to the legislature the commission's reasons for rejecting during the biennium the lease of any historic structure whose owner bid to lease space to the state.

SECTION 2.39. Section 6.06, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6.06. **ELIMINATION OF BARRIERS TO HANDICAPPED PERSONS IN STATE BUILDINGS.** The commission may not enter a lease contract under this article unless it complies with the provisions of Article 9102, Revised Statutes, concerning architectural barriers [7 of this Act].

SECTION 2.40. Section 6.07, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6.07. **USE OF LEASED SPACE [REMEDIAL ACTION AGAINST LESSOR].** (a) An agency shall immediately occupy leased space unless otherwise provided in the lease contract. If space is not available for immediate occupancy or the agency cannot occupy the space immediately, the agency shall notify the commission of the circumstances.

(b) If an agency is not utilizing any part of the leased space at any time during the lease period, the agency shall notify the commission.

(c) The commission shall periodically inspect leased space to ensure maximum utilization. Underutilized space may be assigned to other agencies to the extent feasible.

(d) When a state agency occupies lease space and is aware of circumstances concerning the space which require remedial action against the lessor, the agency shall notify the commission, and the commission may investigate the circumstances and the lessor's performance under the contract.

(e) When the commission requests the assistance of the attorney general in protecting the state's interest under a lease contract, the attorney general shall assist the commission.

SECTION 2.41. Section 6.111, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6.111. DELEGATION OF AUTHORITY TO INSTITUTIONS OF HIGHER EDUCATION. The commission may delegate to an institution of higher education the authority to enter into space lease contracts financed from sources other than funds appropriated from general revenue, provided that an institution of higher education may not enter a lease contract under this section unless it complies with the provisions of Article 9102, Revised Statutes, ~~[7 of this Act]~~ concerning architectural barriers.

SECTION 2.42. Section 8.01(a), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) This article applies to personal property belonging to the state. ~~[All personal property belonging to the state shall be accounted for by the head of the agency that has possession of the property.]~~

SECTION 2.43. Section 8.01(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by Chapter 599, Acts of the 72nd Legislature, Regular Session, 1991, is reenacted to read as follows:

(b) The commission shall administer the property accounting system and maintain a complete and accurate set of centralized records of state property based on information supplied by state agencies or the uniform statewide accounting system. The property accounting system shall, to the extent possible, constitute the fixed asset component of the uniform statewide accounting system. The commission shall coordinate with the comptroller in issuing rules, instructions, and necessary requirements for the property accounting system, subject to review and comment by the state auditor. The rules, instructions, and requirements must be consistent with the requirements of the uniform statewide accounting system.

SECTION 2.44. Section 8.02(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) All personal property owned by the state shall be accounted for by the head of the agency that has possession of ~~[possesses]~~ the property. The commission shall by rule [regulation] define what is meant by personal property for the purposes of this article, but such definition shall not include nonconsumable personal property having a value of \$500 or less per unit. In promulgating such rules [regulations], the commission shall take into account the value of the property, its expected useful life, and if the cost of record keeping bears a reasonable relationship to the cost of the property on which records are kept. The commission shall consult with the state auditor in making such rules [regulations] and the auditor shall cooperate with the commission in the exercise of this rulemaking power by giving technical assistance and advice.

SECTION 2.45. Section 9.11, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9.11. PURCHASE OF LEGISLATIVE CHAIRS. Notwithstanding any provision of law to the contrary, upon the vacation of an office or the termination of employment, an elected officer, an appointed officer, or an executive head of a

state agency within the legislative, executive, and judicial departments of state government may purchase the chair used by the officer or employee during his or her tenure of service for its fair market value. A determination of the fair market value of the chair shall be made by the commission for executive and legislative agencies other than the legislature, by the chief justice for judicial agencies, by the speaker of the house of representatives for the house of representatives, and by the lieutenant governor for the senate ~~[A legislator may purchase the executive chair used by the legislator on the floor of the legislature if:~~

~~[(1) the legislator has not been reelected; and~~

~~[(2) the legislator pays into the state treasury the commission's estimate of the fair market value of replacement equipment;~~

~~[This section does not limit a legislator's right to purchase state-owned equipment in any other manner].~~

SECTION 2.46. Article 10, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 10.071 to read as follows:

Sec. 10.071. USE OF SYSTEM BY CERTAIN STUDENTS. (a) Institutions of higher education under Section 61.003, Education Code, that are authorized to use the system of telecommunications services established under this article may allow students of the institution who reside in housing for which the institution provides telephone service to use the system of telecommunications services established under this article. An institution shall recover from a student who chooses to use the system the full pro rata cost attributable to that student's use, including costs identifiable for interconnection to and use of the local publicly switched network.

(b) The commission shall adopt rules that govern student access to the system, including times of access to the system, and the full recovery of actual costs from each student who uses the system.

(c) In consideration of the duties and responsibilities hereby given the commission under this Act, it shall be in keeping with the policy of this state that no state agency or unit of state government shall engage in the provision of telecommunications products or services to the general public in competition with private enterprise unless there is a finding that such activity is in the public interest. This shall not prohibit students who reside in housing for which institutions of higher education provide telephone service from using service provided under this section.

SECTION 2.47. Section 11.01(b), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) Any reference in the statutes to the State Board of Control or ~~[means]~~ the State Purchasing and General Services Commission means the General Services Department.

SECTION 2.48. Section 11.02, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by Chapters 778 and 791, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

Sec. 11.02. DELIVERY OF CERTAIN INTERAGENCY MAIL. (a) The commission shall operate a messenger service for handling the delivery of unstamped written communications and packages between state agencies, including the legislature and legislative agencies, located in Travis County. All such agencies shall utilize the service.

(b) Unless use of the United States Postal Service is required by state or federal law, a state agency subject to Subsection (a) of this section may not use the United States Postal Service for delivery of interagency mail to another state agency in Travis County, provided, however, state agencies subject to Subsection (a) are not prohibited from using an alternate delivery method.

(c) State warrants may be delivered upon agreement between the state comptroller, the commission, and the agency concerned.

(d) United States mail may be delivered to and from the post office located in the capitol complex on agreement of the commission and the agency concerned. [(d)] It is the intent of the legislature that mail be processed for delivery as expeditiously as its priority dictates and that mail not be unduly delayed solely for the purpose of achieving a lower rate of postage.

(e) In order to improve state agency management of mail operations and to reduce the state's mail costs, this Act requires that state agencies of the executive branch of state government established by the constitution or statutes of this state:

(1) evaluate their mail operations to identify and eliminate practices resulting in excessive mailing costs; and

(2) develop and implement plans and programs for making the necessary improvements in such operations.

(f) Not later than January 1, 1990, the commission [~~State Purchasing and General Services Commission~~] shall:

(1) evaluate the mail operations of agencies located in Travis County to make recommendations to identify and eliminate practices resulting in excessive mailing costs; and

(2) establish minimum mail-management objectives and responsibilities to be carried out by offices and units of these agencies.

(g) Not later than April 1, 1990, the commission [~~State Purchasing and General Services Commission~~] shall develop and submit to the governor and the legislative budget office a mail-management plan which provides for:

(1) improving the measurement of agency mail costs, in conjunction with the United States Postal Service, including considering the use of postage meters or stamps;

(2) determining the advantages to agencies of using mail presorting programs;

(3) determining the lowest cost class of mail necessary to effectively accomplish individual agency functions;

(4) evaluating the cost-effectiveness of using alternatives to the United States Postal Service for the delivery of agency mail; and

(5) training agency personnel regarding cost-effective mailing practices.

(h) The commission [~~State Purchasing and General Services Commission~~] shall:

(1) establish programs to implement the plan prepared under Subsection (g) of this section, including standards for receipt, delivery, collection, and dispatch of mail; and

(2) publish and disseminate mail-management standards, guides, and instructions and establish and implement procedures for monitoring compliance with such standards, guides, and instructions.

(i) State agencies in Travis County shall:

(1) periodically submit to the governor and the legislative budget office reports of their progress in achieving the objectives and other revisions of the plan required by Subsection (g) of this section, including an analysis of savings projected from the improvements in mail management provided for in such revised plan;

(2) designate a person to be responsible for the development and implementation of mail-management programs for all offices and units of the agency; and

(3) review and consolidate mailing lists used by the agency to distribute publications and other materials issued by the agency.

(j) When two or more state agencies are providing common services for mail management, those agencies may designate a single agency to report on behalf of all agencies participating under the contract.

SECTION 2.49. Article 11, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 11.06 to read as follows:

Sec. 11.06. PRINTING. (a) The commission may assist state agencies and assess and evaluate their printing activities. It may recommend changes designed to achieve increased productivity and cost-effectiveness of these operations. Recommendations may be reported to the appropriate associate deputy director periodically as determined by the rules of the commission.

(b) The commission may:

(1) adopt standard accounting procedures that permit the evaluation and comparison of the costs of printing operations conducted by state agencies;

(2) coordinate activities among state print shops;

(3) review state agency requisitions for new printing equipment;

(4) serve as a resource to state agencies to expedite the production of printing and graphic arts;

(5) maintain a current roster of state print shops and their equipment, facilities, and special capabilities;

(6) serve as a clearinghouse for private vendors of printing services to ensure that printing services and supplies are purchased in the most efficient and economical manner;

(7) coordinate the consolidation of print shops operated by state agencies when consolidation is determined to be appropriate by the agencies involved; and

(8) develop procedures for the recovery of the commission's reasonable costs, under the provisions of Chapter 317, Government Code, out of amounts appropriated to the state agencies in which identified savings are achieved.

(c) This section does not apply to an institution of higher education.

SECTION 2.50. Sections 13.03(a)-(d), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Each biennium a state agency subject to this article shall conduct competitive cost reviews of the functions performed by that agency as provided by this article and shall adopt rules to implement this article. If the agency has an internal auditor, the internal auditor shall coordinate the activities of the agency that are required under this article. The agency shall conduct management studies, develop agency in-house cost estimates, and conduct other activities as necessary to implement this article.

(b) In conducting a competitive cost review of the functions performed by a state agency, the agency shall analyze all agency activities, shall identify by November 1 of each year all commercial activities performed by the agency, and shall develop a schedule for the analysis of the commercial activities identified. For each commercial activity identified, the agency shall also at that time quantify in measurable units the amount of the activity performed by the agency and identify the amount of money budgeted for the activity by the agency. The administrative head of the agency shall promptly submit the agency's inventory of commercial activities, including the workload and budget information, together with its analysis schedule to the State Auditor, Legislative Budget Board, Governor's Office of Budget and Planning, Senate Finance Committee, House Appropriations Committee, and commission for review and comment. The agency shall then report its determinations to its governing body and shall submit the schedule to its governing body [for approval] by December 1 of each year for approval.

(c) After approval of the schedule by the governing body, the state agency shall conduct a management study of the agency functions specified in the schedule. The agency shall conduct the study in accordance with instructions issued by the commission. At the minimum, a management study must contain:

- (1) a description of the agency function;
- (2) an analysis of the quality and quantity of the work of the agency in relation to that function; and
- (3) a description of any efficiency initiatives that the agency could implement to perform the function more efficiently.

(d) The agency shall submit the completed management study to the commission for approval. After the commission has approved the study, the agency shall estimate the total cost to perform the function and submit each agency in-house cost estimate to the State Auditor for approval. If the agency has an internal auditor, the agency shall submit its cost estimate to its internal auditor for review before forwarding the cost estimate to the State Auditor.

SECTION 2.51. Article 13, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 13.031 to read as follows:

Sec. 13.031. COMPLAINT FROM PRIVATE ENTERPRISE. (a) In this section, "state agency" has the meaning assigned by Section 1.02 of this Act.

(b) A person, including a corporation, that manufactures, processes, sells, leases, distributes, provides, or advertises goods or services for profit, or a duly chartered nonprofit corporation engaged in such activities, may file a written complaint with the executive director of the commission and with the administrative head of a state agency alleging that the state agency has engaged in unfair competition with the person or corporation. The agency shall respond to the complaint and shall furnish the complainant and the commission with a copy of its response not later than the 90th day after the date that the agency receives the complaint.

(c) The commission shall keep a copy of each written complaint and response received under this section on file and available for public inspection for at least two years after the date that it received the complaint or response.

(d) This section does not apply to:

- (1) the Texas Department of Criminal Justice; or
- (2) an institution of higher education as defined by Section 61.003,

Education Code.

SECTION 2.52. Section 13.05, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 13.05. DUTIES OF [STATE PURCHASING AND] GENERAL SERVICES COMMISSION. (a) The commission by rule shall issue instructions that govern the conduct of state agency management studies under Section 13.03 of this article.

(b) The commission shall conduct a cost comparison review. In conducting the cost comparison review, the commission shall:

- (1) estimate the cost to purchase the service from the private sector. In developing the estimate, the commission may use specific area surveys, state average costs or current bid data;
- (2) determine if the quality and quantity of service that could be provided through purchase is at least equal to the quality and quantity of service proposed in the agency management study and in-house cost estimate;
- (3) determine the total state cost incurred in providing the service based on the approved agency in-house cost estimate; and
- (4) based on estimates of the total cost, compare the total cost to the state to purchase the service [services] with the total state cost of providing the service.

(c) [(b)] After consultation with the agency and State Auditor, the commission shall determine if the total state cost of providing the service exceeds the cost of purchasing the service. If the commission finds that at least the same quality and quantity of service can be purchased at a savings of more than 10 percent, the commission shall notify the chairman of the governing body of the agency of the amount by which the agency's costs exceed the costs of purchasing the service. The commission may request any information from a state agency necessary to accomplish the purpose of this subsection.

(d) The commission shall establish internal controls, when the commission conducts competitive cost reviews of its own commercial activity functions, to separate internally the duties performed by the commission as a state agency subject to this article and the duties performed by the commission for all state agencies subject to this article.

SECTION 2.53. Section 13.07, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 13.07. SAVINGS FROM EFFICIENCY INITIATIVE. Except for savings allocated to the productivity bonus program [(Article 6252-29, Vernon's Texas Civil Statutes);] and the state employee incentive program (Article 6252-29a [6252-28], Vernon's Texas Civil Statutes), all savings that result from reduced costs under the efficiency initiative shall be used by the agency for treatment, rehabilitation, or other direct services the agency provides to persons it serves or, when savings result to the commission, for direct services the commission provides to state government.

SECTION 2.54. Section 13.09, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by Chapter 551, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

Sec. 13.09. APPLICATION. The state agencies subject to this article are:

- (1) the Texas Department of Mental Health and Mental Retardation;
- (2) the Texas Department of Human Services;
- (3) the Texas Department of Corrections;
- (4) the Department of Agriculture;
- (5) the Central Education Agency;
- (6) the Texas Higher Education Coordinating Board; [and]
- (7) the State Department of Highways and Public Transportation; and
- (8) the commission.

SECTION 2.55. Article 13, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 13.10 to read as follows:

Sec. 13.10. SUNSET REVIEW OF PROGRAM. (a) The competitive cost review program is subject to Chapter 325, Government Code (Texas Sunset Act), as if the program were a state agency subject to review under that chapter. Unless continued in existence as provided by that chapter, the program is abolished and this article of this Act expires September 1, 1995.

(b) To the extent Chapter 325, Government Code (Texas Sunset Act), imposes a duty on a state agency under review, the commission shall perform the duty as it applies to the competitive cost review program.

SECTION 2.56. Section 14.01, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14.01. DIVISION. The travel division of the commission is composed of the central travel office and the office of vehicle fleet maintenance. The commission shall adopt rules to implement this article, including rules related to:

- (1) the structure of travel agency contracts that the commission makes;
- (2) the procedures the commission uses in requesting and evaluating bids or proposals for travel agency contracts from providers; and

(3) the use of negotiated contract rates for travel services by state agencies.

SECTION 2.57. Section 14.04, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14.04. FEES. Fees collected by the travel division under this article shall be deposited in the State Treasury to the credit of the General Revenue Fund unless a different disposition of the funds is required under federal law.

PART 3. SCHOOL BUSES

SECTION 3.01. Section 21.165, Education Code, is amended to read as follows:

Sec. 21.165. PURCHASE THROUGH GENERAL SERVICES DEPARTMENT [BOARD OF CONTROL]. (a) The purchase of motor vehicles (including buses, bus chassis, bus bodies, tires, and tubes) by the General Services Department [Board of Control] shall be made in compliance with the provisions of this section.

(b) Whenever possible, the [The] purchase must be made on the basis of competitive bids submitted under [such] rules [and regulations as may be] made by the General Services Department [Board of Control].

(c) The purchase must be authorized by a requisition, which may be submitted by either a board of county school trustees or the board of trustees of a school district. The requisition must include a general description of the article or articles desired, as well as any other applicable matter specified in this section.

(d) If the requisition is for the purchase of a motor vehicle, bus, bus body, or bus chassis, it must be approved by either the county school board when funded under law or the board of trustees of a school district and by the commissioner of education.

(e) If the requisition is for the purchase of tires and tubes, it must be approved by the county superintendent or the chief administrative officer of a school district.

(f) If the requisition is for the purchase of special equipment required, because of climatic or road conditions, to guarantee adequate safety and comfort of school children, the requisition must describe the special conditions and requirements so that the General Services Department [Board of Control] may purchase equipment which it determines to be adapted or designed for the conditions or requirements.

(g) The board of county school trustees or board of trustees of a school district shall [requisition must contain a certification as to the funds that will be available to] pay for the article or articles requisitioned as directed by the General Services Department.

SECTION 3.02. Section 21.174, Education Code, is amended by adding Subsections (h) and (i) to read as follows:

(h) In this section, a vehicle is considered to be capable of using compressed natural gas or other alternative fuels if the vehicle is capable of using compressed natural gas or other alternative fuels either in its original equipment engine or in an engine that has been converted to use compressed natural gas or other alternative fuels after September 1, 1991, unless the time for compliance is extended under Subsection (i) of this section.

(i) The General Services Department may extend the date by which a vehicle powered by a traditional gasoline or diesel engine shall be capable of using compressed natural gas or other alternative fuels as required under this section for one or more periods of 90 days, but not beyond September 1, 1993, if it finds a lack of ability to acquire such vehicles with original alternative fuels equipment, to acquire such vehicles which are able to be converted, or to convert such vehicles to use compressed natural gas or other alternative fuels.

SECTION 3.03. Section 21.180, Education Code, is amended to read as follows:

Sec. 21.180. PURCHASE OF VEHICLES. [(a) Motor vehicles used for the purpose of transporting school children, including school buses, their chassis and/or bodies purchased through the state board of control, shall be paid for by the state board of control as set out in applicable laws. The legislature may appropriate out of any money in the state treasury not otherwise appropriated a sum not exceeding \$250,000, or as much thereof as necessary, for the state board of control to be used for such purposes:

[(b) Any sum appropriated shall be known as the school bus revolving fund. When motor vehicles and school buses are delivered to the various schools coming within the provisions of this subchapter, the governing bodies of those schools shall reimburse the state board of control for the money expended for such school buses including their chassis and/or bodies and the money shall be deposited by the state board of control in the school bus revolving fund:

[(c) All purchases of motor vehicles must comply with the alternative fuels use requirements of Section 21.174.

SECTION 3.04. Sections 21.182(a), (d), and (h), Education Code, are amended to read as follows:

(a) As an alternative to purchasing school buses, a county or local district school board may contract with any person for use, acquisition, or lease with option or options to purchase any school bus or buses if, at the discretion of the school board, such a contract is determined to be economically advantageous to the school district and complies with the alternative fuels requirements of Section 21.174. Contracts may be in the form of a lease or a lease with option or options to purchase. A contract is in the form of a lease if it is a contract for the use and possession of one or more school buses for consideration. Ownership of a bus acquired through a lease or a lease with an option to purchase remains with the lessor unless the lessee exercises an option to purchase and purchases the bus under the option. A school bus that is leased or leased with an option to purchase under this section must meet or exceed the requirements related to safety that apply to purchased or privately operated school buses under Section 11.12. Contracts in the form of an installment purchase or any form other than a lease or a lease with option or options to purchase shall be subject to the provisions of Section 21.165, as well as rules [and regulations] of the [State Purchasing and] General Services Department [Commission].

(d) The competitive bidding requirements of Section 21.901 apply to each contract in the form of a lease or lease with an option to purchase under this section [Each county or district school board shall comply with the terms of the Bond and Warrant Law of 1931 (Article 2368a, Vernon's Texas Civil Statutes) in entering into contracts, including the requirement that certain contracts be awarded pursuant to public bids, except that it is not necessary for a school district to submit the question of entering into a contract to a referendum].

(h) A contract under this section may have any lawful term of not less than two or more than [not to exceed] 10 years. A county or local district school board that contracts under this section shall report the existence of the contract and the number of buses under the contract to the General Services Department within 45 days after the date the contract was made. A county or local district school board that terminates a contract under this section before the two-year minimum term has expired shall report the termination and the reason for the termination to the General Services Department within 45 days after the date the contract was terminated.

PART 4. ARCHITECTURAL BARRIERS

SECTION 4.01. Article 7, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is transferred to Title 132A, Revised Statutes, redesignated as Article 9102, Revised Statutes, and amended to read as follows:

Art. 9102 [ARTICLE 7]. ARCHITECTURAL BARRIERS

Sec. 1 [7.01]. POLICY. The provisions of this article are to further the policy of the State of Texas to encourage and promote the rehabilitation of persons with disabilities [~~handicapped or disabled citizens~~] and to eliminate, insofar as possible, unnecessary barriers encountered by aged, handicapped, or disabled [~~aged, handicapped, or disabled~~] persons with disabilities, whose ability to engage in gainful occupations or to achieve maximum personal independence is needlessly restricted when such persons cannot readily use public buildings.

Sec. 2 [7.02]. APPLICATION. (a) The standards and specifications adopted under this article shall apply to all buildings and facilities used by the public which are constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state. To such extent as is not contraindicated by federal law or beyond the state's power of regulation, these standards shall also apply to buildings and facilities constructed in this state through partial or total use of federal funds. All buildings and facilities constructed in this state, or substantially renovated, modified, or altered, after the effective date of this article from any one of these funds or any combination thereof shall conform to each of the standards and specifications adopted under this article except where the governmental department, agency, or unit concerned shall determine, after taking all circumstances into consideration, that full compliance with any particular standard or specification is impracticable. Where it is determined that full compliance with any particular standard or specification is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the department [~~commission~~]. If it is determined that full compliance is not practicable, there shall be substantial compliance as determined by the department with the standard or specification to the maximum extent practical, and the file system maintained by the department shall include the written record of the determination that it is impractical to comply fully with a particular standard or specification and shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification.

(b) These standards and specifications shall be adhered to in those buildings and facilities under construction on the effective date of this article, unless the authority responsible for the construction shall determine that the construction has reached a state where compliance is impractical. This article shall apply to temporary or emergency construction as well as permanent buildings.

(c) These standards and specifications shall be adhered to in all buildings leased or rented in whole or in part for use by the state under any lease or rental agreement entered into on or after January 1, 1972. To such extent as is not contraindicated by federal law or beyond the power of the state's regulation, these standards shall also apply to buildings or facilities leased or rented for use by the state through partial or total use of federal funds. Facilities which are the subject of lease or rental agreements on January 1, 1972, will not be required to meet standards and specifications for the term of the existing lease or rental agreement but must be brought into compliance before a lease or rental agreement is renewed. Where it is determined by the governmental department, agency, or unit concerned that full compliance with any particular standard is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the department [~~commission~~]. If it is determined that full compliance is not practical, there shall be substantial compliance as determined by the department with the standard or specification to the maximum extent practical, and the file system maintained by the department shall include the written record of the determination that it is impractical to comply fully with a particular standard or specification and shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification.

(d) Except as otherwise provided in Subsection (e) of this section, these standards and specifications shall be adhered to in buildings defined as "public accommodation" by Section 301(7) of the Americans with Disabilities Act (ADA) of 1990 (P.L. 101-336) which are constructed or substantially renovated, modified, or altered on or after January 1, 1992 ~~[certain privately financed buildings, building elements, and improved areas which are open to public use for education, employment, transportation, or acquisition of goods and services, and which are constructed on or after January 1, 1978, in counties with a population of 45,000 or more. Such facilities include the following:~~

~~[(1) shopping centers which contain in excess of five separate mercantile establishments; compliance with accessibility standards and specifications relative to toilet rooms shall not apply unless the shopping center elects to have public toilet rooms;~~

~~[(2) passenger transportation terminals;~~

~~[(3) theaters and auditoriums having a seating capacity for 200 or more patrons;~~

~~[(4) hospitals and related medical facilities which provide direct medical service to patients;~~

~~[(5) nursing homes and convalescent centers;~~

~~[(6) buildings containing an aggregate total of 20,000 or more square feet of recognizable office floor space;~~

~~[(7) funeral homes; and~~

~~[(8) commercial business and trade schools].~~

(e) The commissioner ~~[commission]~~ shall have the authority to waive or modify accessibility standards and specifications when application of such standards and specifications is considered by the commissioner ~~[commission]~~ to be irrelevant to the nature, use, or function of a building or facility covered by this article. The commissioner ~~[commission]~~ shall not waive or modify any standard or specification when such action would result in a significant impairment of the acquisition of goods and services by ~~[handicapped]~~ persons with disabilities or substantially reduce the potential for employment of ~~[handicapped]~~ persons with disabilities. All evidence supporting waiver or modification determinations made by the commissioner ~~[commission]~~ shall be made a matter of record and become part of the file system maintained by the department ~~[commission]~~.

(f) All buildings and facilities covered by this article shall provide restroom facilities in conformance with the minimum plumbing facilities standards set forth in Appendix C of the most recent Uniform Plumbing Code.

Sec. 3 [7:03]. SCOPE. (a) This article is concerned with nonambulatory disabilities, semiambulatory disabilities, sight disabilities, hearing disabilities, disabilities of coordination, and aging.

(b) It is intended to make all buildings and facilities covered by this article accessible to, and functional for, persons with disabilities ~~[the physically handicapped]~~ to, through, and within their doors, without loss of function, space, or facilities where the general public is concerned.

Sec. 4 [7:04]. DEFINITIONS. For the purpose of this article the following terms have the meanings as herein set forth:

(1) "Nonambulatory disabilities" means impairments that, regardless of cause or manifestation, for all practical purposes, confine individuals to wheelchairs.

(2) "Semiambulatory disabilities" means impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees, arthritis, spastics, and those with pulmonary and cardiac ills may be semiambulatory. The listing here made is illustrative and shall not be construed as being exhaustive.

(3) "Sight disabilities" means total blindness or impairments affecting sight to the extent that the individual functioning in public areas is insecure or exposed to danger.

(4) "Hearing disabilities" means deafness or hearing handicaps that might make an individual insecure in a public area because he is unable to communicate or hear warning signals.

(5) "Disabilities of coordination" means faulty coordination or palsy from brain, spinal, or peripheral nerve injury.

(6) "Aging" means those manifestations of the aging processes that significantly reduce mobility, flexibility, coordination, and perceptiveness but are not accounted for in the aforementioned categories.

(7) "Commission" means the Texas Commission of Licensing and Regulation.

(8) "Commissioner" means the commissioner of licensing and regulation.

(9) "Department" means the Texas Department of Licensing and Regulation.

(10) "Architect" means a person registered as an architect under Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes).

(11) "Engineer" means a person registered as an engineer under The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes).

Sec. 5 [7-05]. RESPONSIBILITIES FOR ENFORCEMENT. (a) In the [The responsibility for] administration and enforcement of this article [shall reside primarily in the commission], [but] the commissioner [commission] shall have the assistance of appropriate state rehabilitation agencies in carrying out commissioner [its] responsibilities [under this article]. State agencies involved in extending direct services to [disabled or handicapped] persons with disabilities are authorized to enter into interagency contracts with the department [commission] to provide such additional funding as might be required to insure that service objectives and responsibilities of such agencies are achieved through the administration of this article. In enforcing this article the commissioner [commission] shall also receive the assistance of all appropriate elective or appointive state officials. The commissioner may contract with other state agencies, political subdivisions, nonprofit organizations, and private independent contractors to perform the commissioner's review and inspection functions for privately financed buildings that are not leased by the state or a political subdivision and may terminate those contracts for cause. The department [commission] shall from time to time inform professional organizations and others, including persons with disabilities, architects, engineers, and other building professionals, of this law and its application. Information disseminated by the department about the program shall include the types of buildings and leases covered by this article, the procedures for submitting plans and specifications for review, complaint procedures, and the address and phone number of the department's program. The department may enter into cooperative agreements to integrate information about the program with information produced or distributed by other public entities or by private entities.

(b) The commissioner [commission] shall have all necessary powers to require compliance with the commissioner's [its] rules and regulations and modifications thereof and substitutions therefor, including powers to institute and prosecute proceedings under Section 18, Article 9100, Revised Statutes [in the district court to compel such compliance], and shall not be required to pay any entry or filing fee in connection with the institution of such proceedings. The commission may also impose an administrative penalty under Section 17, Article 9100, Revised Statutes, on a building owner for a violation of this article or a rule adopted under this article.

Each day that the violation is not corrected constitutes a separate violation. The commissioner [commission] or a [handicapped] person with disabilities who seeks injunctive relief to obtain compliance with the rules and regulations, and the commissioner when the commission considers imposing an administrative penalty under this section, shall first notify a person responsible for the building and allow that person 90 days to bring the building into compliance. The commissioner [commission] shall have the authority to extend the 90-day period when circumstances justify such extension.

(c) [The commission is authorized to promulgate such rules and regulations as might reasonably be required to implement and enforce this article.] The standards and specifications to be adopted by the commissioner [commission] under this article shall be consistent in effect to those adopted by the American National Standards Institute, Inc. (or its federally recognized successor in function), and the department [commission] shall publish the standards and specifications in a readily accessible form for the use of interested parties.

(d) All plans and specifications for construction or for the substantial renovation, modification, or alteration of buildings subject to the provisions of this article shall be submitted to the department [commission] for review and approval prior to the time that construction or that substantial renovation, modification, or alteration on the building begins [bidding and award of contract] in accordance with rules and regulations adopted by the commissioner [commission]. The plans and specifications shall be submitted to the department by the architect or engineer who has overall responsibility for the design of the constructed or reconstructed building. The building owner shall submit the plans and specifications to the department if there is no architect or engineer with that responsibility. Likewise, any substantial modification of approved plans shall be resubmitted to the department [commission] for review and approval. If an architect or engineer required to submit or resubmit plans and specifications to the department fails to do so in a timely manner, the commissioner shall report the fact to the Texas Board of Architectural Examiners or the State Board of Registration for Professional Engineers, as appropriate.

(e) The commissioner [commission] may review plans and specifications, make inspections, and issue certifications that structures not otherwise covered by this article are free of architectural barriers and in compliance with the provisions of this article. The department shall inspect each building subject to this article within the first year after the date that construction or substantial renovation, modification, or alteration of the building is completed. The department shall inspect each building that is subject to this article because of a lease to the state during the first year of the lease [commission is authorized to charge a fee, not to exceed \$100, for review of plans and specifications, inspection, and certification of each privately owned building or facility.]

[(f) With respect to buildings and facilities that are under the jurisdiction and control of The University of Texas Board of Regents, the responsibility for administration and enforcement of this article shall reside in such governing board, and in the discharge of such responsibility the governing board shall have the same responsibilities, duties, powers, and authority that are herein imposed on and delegated to the commission with respect to all other buildings and facilities covered by this article].

Sec. 6. The commission shall set and charge, in accordance with Section 12, Article 9100, Revised Statutes, fees for performing its functions under this article. The fees shall be paid by the owner of a building when the department performs a function related to the building under this article. The fees must include a fee for:

- (1) reviewing the plans or specifications of a building;
- (2) inspecting a building; and

(3) processing a request to waive or modify accessibility standards for a building.

Sec. 7. (a) The commission shall appoint an advisory committee for the architectural barriers program. The committee shall be composed of building professionals and persons with disabilities who are familiar with architectural barrier problems and solutions. The committee shall be composed of at least eight members. Persons with disabilities must make up a majority of the membership.

(b) A committee member serves at the will of the commission. A member may not receive compensation for service on the committee but is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member.

(c) The committee shall elect a member of the committee as chair. The committee shall meet at least twice each calendar year at the call of the committee chair or at the call of the commissioner.

(d) The committee periodically shall review the rules relating to the architectural barriers program and recommend changes in the rules to the commission and the commissioner. The commissioner shall submit all proposed changes to rules and procedures that relate to the architectural barriers program to the committee for review and comment before adoption or implementation of the new or amended rule or procedure.

Sec. 8. All references in law to the former architectural barriers statute, Article 7, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), mean this article.

SECTION 4.02. Section 11(b), Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes), as amended by Chapter 579, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(b) The Board may revoke or suspend a registration certificate, place on probation a person whose registration certificate has been suspended, reprimand a person registered under this Act, or assess an administrative penalty against a person registered under this Act in an amount not to exceed \$1,000 on the following grounds:

- (1) a violation of this Act or of a rule of the Board adopted under this Act;
- (2) a cause for which the Board is authorized to refuse to grant a registration certificate;
- (3) gross incompetency;
- (4) recklessness in the construction or alteration of a building by an architect designing, planning, or observing the construction or alteration; [or]
- (5) dishonest practice by one holding a registration certificate; or
- (6) for failing to timely provide plans and specifications to the Texas Department of Licensing and Regulation as required by Article 9102, Revised Statutes.

SECTION 4.03. Subsection (a), Section 22, The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Board shall revoke, suspend, or refuse to renew a registration, shall reprimand a registrant, may deny an application for registration, or may probate any suspension of any registrant who is determined by the Board to be censurable for:

- (1) The practice of any fraud or deceit in obtaining a certificate of registration;
- (2) Any gross negligence, incompetency, or misconduct in the practice of professional engineering as a registered professional engineer;

(3) Any documented instance of retaliation by an applicant against an individual who has served as a reference for that applicant; [or]

(4) A violation of this Act or a Board rule; or

(5) A failure to timely provide plans and specifications to the Texas Department of Licensing and Regulation as required by Article 9102, Revised Statutes.

PART 5. OTHER MATTERS RELATING TO STATE ACQUISITION AND USE OF PROPERTY AND SERVICES

SECTION 5.01. Section 9, Texas Public Finance Authority Act (Article 601d, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. ISSUANCE OF BONDS. (a) The board may issue and sell bonds in the name of the authority to finance projects that consist of the acquisition or construction of buildings in Travis County, Texas. Upon receiving a request described in Section 5.34, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), the board may issue bonds in amounts up to the previously authorized amount of bonds plus five percent of the acquisition cost of the property, all as described in the request.

(b) When the acquisition or construction of a building has been authorized in accordance with this Act or under Section 5.34, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), the board shall promptly issue and sell bonds in the name of the authority under this Act, including Sections 10B and 16 of this Act, to finance the acquisition or construction of the building. When the proceeds from the bond issuance are available, the board shall promptly deposit the proceeds in the state treasury under Section 23 of this Act and shall promptly make the determinations that are to be made by the board under Section 23 of this Act.

(c) The commission or other state agency involved in acquiring or constructing a building financed by the issuance of bonds under this Act shall carry out its statutory authority as if the building were financed by legislative appropriation. The board and either the commission or another state agency involved in the acquisition or construction of a building shall adopt a memorandum of understanding that defines the division of authority between the board and the commission or agency.

SECTION 5.02. Section 24A(c), Texas Public Finance Authority Act (Article 601d, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) Notwithstanding the limitations prescribed by Section 9 of this Act relating to the location of buildings for which bonds may be issued, the authority may issue bonds under this Act to finance the renovation of West Building, G. J. Sutton State Office Complex in Bexar County, at an estimated cost of \$1,375,000; the construction or purchase and renovation of a building or buildings by the State Purchasing and General Services Commission in Tarrant County, at an estimated cost of \$10,000,000; [and] the construction or purchase and renovation of a building or buildings by the State Purchasing and General Services Commission in Harris County, at an estimated cost of \$20,000,000; and the construction by the State Purchasing and General Services Commission of a state office building on land owned by The Texas A&M University System in Nueces County, at an estimated cost of \$10,000,000. For purposes of this subsection regarding Tarrant and Harris counties, the State Purchasing and General Services Commission shall, prior to requesting the authority to issue bonds, prepare project analyses for the potential construction projects and subsequent thereto perform an alternative purchase analysis pursuant to the provisions of Section 5.34, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).

SECTION 5.03. Section 27, Texas Public Finance Authority Act (Article 601d, Vernon's Texas Civil Statutes), as amended by Chapters 786 and 1042, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

Sec. 27. PURCHASE AND RENOVATION OF TEXAS EMPLOYMENT COMMISSION PROPERTY. (a) The Texas Employment Commission shall sell to the commission office buildings and parking facilities in its possession in or near the Capitol Complex, and the commission shall purchase the buildings and parking facilities, at a sales price that shall not exceed the maximum amount of funds authorized for the acquisition and renovation in Chapter 700, Acts of the 68th Legislature, Regular Session, 1983, with the concurrence of the United States government. [The sale shall be under an agreement between the Texas Employment Commission and the commission on a price sufficient to provide the Texas Employment Commission adequate, alternative office and parking space outside the Capitol Complex and with the necessary concurrence of the United States government.]

(b) [The commission shall, under an agreement with the Texas Employment Commission and subject to the availability of funds authorized by this Act, purchase the office buildings and parking facilities of the Texas Employment Commission located in or near the Capitol Complex.] After the office buildings have been acquired, the commission may, from funds made available by the authority, renovate the facilities as necessary for occupancy by other state agencies. In negotiating the price for the Texas Employment Commission facilities, the commission shall consider the cost to the Texas Employment Commission of alternative space outside the Capitol Complex. The commission shall also consider the price in the context of the reasonable rates that might otherwise be paid by prospective occupying state agencies for rent in comparable space.

[Sec. 27. (a) The State Purchasing and General Services Commission may take possession of the office buildings and parking facilities in or near the Capitol Complex occupied by the Texas Employment Commission. To take possession the State Purchasing and General Services Commission must provide the Texas Employment Commission adequate, alternative office and parking space in the city of Austin and obtain the necessary concurrence that may be required by the United States government. On receiving that concurrence, title to the property is in the State Purchasing and General Services Commission, and the employment commission and purchasing commission shall execute the documents necessary to show title in the purchasing commission.]

[(b) If the State Purchasing and General Services Commission takes possession of the office buildings and parking facilities of the Texas Employment Commission located in or near the Capitol Complex, the State Purchasing and General Services Commission may, from funds made available by the authority or from other available funds, renovate the facilities as necessary for occupancy by other state agencies or by the legislature or legislative agencies. Before renovating the facilities or making the facilities available for occupancy to a state agency, the purchasing commission shall offer the space to the legislature for its use and occupancy. For that purpose, the purchasing commission shall notify the lieutenant governor and the speaker of the house in writing, who may claim the property for the use and occupancy of the legislature and legislative agencies by delivering a written notice signed by both officers to the executive director of the commission. The notice must be delivered to the executive director before the 120th day after the date on which those officers receive notice of the availability of the property.]

[(c) If at any time the lieutenant governor and the speaker deliver a written notice, signed by each, to the executive director of the purchasing commission stating that the employment commission facilities in or near the Capitol Complex are necessary for legislative use and occupancy, the property shall be made available for that use and occupancy as soon as possible but not later than the second anniversary of the date on which the executive director of the purchasing

commission receives the notice from the lieutenant governor and the speaker. If the employment commission is at that time in possession of the property:

~~[(1) the purchasing commission shall take possession of the property and the employment commission shall vacate the property;~~

~~[(2) from funds made available by the authority or from funds appropriated for that purpose, the purchasing commission shall purchase or construct adequate, alternative office and parking space in the city of Austin for the employment commission and shall obtain the necessary concurrence that may be required by the United States government; and~~

~~[(3) on receiving that concurrence, title to the property is in the purchasing commission and the purchasing commission and employment commission shall execute the documents necessary to show title in the purchasing commission;~~

~~[(d) Subject to the availability of funds, the purchasing commission may renovate facilities purchased for the employment commission as necessary for occupancy by the employment commission. Any available funds remaining after purchase and renovation of the facilities for the employment commission may be used by the purchasing commission to renovate the facilities of the employment commission transferred under this section as necessary for occupancy by state agencies or the legislature and legislative agencies.]~~

SECTION 5.04. Subchapter Z, Chapter 51, Education Code, is amended by adding Sections 51.927 and 51.928 to read as follows:

Sec. 51.927. WRITTEN CONTRACTS OR AGREEMENTS BETWEEN CERTAIN INSTITUTIONS. (a) In this section, "governing board" and "institution of higher education" have the meanings assigned by Section 61.003 of this code.

(b) A written contract or agreement for the furnishing of resources or services that is between institutions of higher education with a common governing board is not subject to the requirements of Chapter 771, Government Code, if the governing board has adopted rules providing for governing board review and approval of those contracts, including review of those contracts by the General Services Department.

Sec. 51.928. ENERGY CONSERVATION MEASURES. (a) The governing board of an institution of higher education may enter into a contract for energy conservation measures to reduce energy consumption or operating costs of institutional facilities in accordance with this section. Contracts shall be submitted for review by the General Services Department.

(b) A contract to which this section applies includes a contract for the installation of:

(1) insulation of a building structure and systems within a building;
(2) storm windows or doors, caulking or weather stripping,
multiglazed windows or doors, heat-absorbing or heat-reflective glazed and coated window or door systems, or other window or door system modifications that reduce energy consumption;

(3) automatic energy control systems, including computer software and technical data licenses;

(4) heating, ventilating, or air-conditioning system modifications or replacements;

(5) lighting fixtures that increase energy efficiency;

(6) energy recovery systems;

(7) electric systems improvements; or

(8) other energy conservation-related equipment.

(c) The person with whom the board contracts must be experienced in the design, implementation, and installation of energy conservation measures.

(d) Before entering into a contract for energy conservation measures, the board shall require the provider of the energy conservation measures to file with the board

a performance bond that is in an amount the board finds reasonable and necessary to protect the interests of the institution and is conditioned on the faithful execution of the terms of the contract.

(e) The board may enter into a contract for a period of more than one year for energy conservation measures with a person if the board finds that the amount the institution would spend on the energy conservation measures will not exceed the amount to be saved in energy and operating costs over 10 years from the date of installation. If the term of a contract for energy conservation measures exceeds one year, the board's contractual obligation in any year during the term of the contract may not exceed the total energy and operating cost savings, including but not limited to electrical, gas, or other utility cost savings and operating cost savings resulting from automatic monitoring and control, as determined by the board in this subsection, divided by the number of years in the contract term. The board shall consider all costs of the energy conservation measures, including costs of design, engineering, installation, maintenance, repairs, and debt service.

(f) A contract for energy conservation measures may be a lease/purchase contract, with a term not to exceed 10 years, that meets federal tax requirements for tax-free municipal leasing or long-term financing.

(g) A contract under this section may be let under competitive sealed proposal procedures. Notice of the request for proposals shall be given in the manner provided for in Section 3.12, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes). The notice of the request for proposals shall be provided to the office of the governor for review and comment at least 30 days prior to any contract award. The contract shall be awarded to the responsible offeror whose proposal, following negotiations, is determined by the institution to be the most advantageous to the institution considering the guaranteed savings and other evaluation factors set forth in the request for proposals, except that if the institution finds that no offer is acceptable, it shall refuse all offers.

(h) In accordance with regulations adopted by the institution, the institution may conduct discussions with offerors who submit proposals and who are determined to be reasonably qualified for the award of the contract. Offerors shall be treated fairly and equally with respect to any opportunity for discussion and revision of proposals. To obtain the best final offers, the institution may allow proposal revisions after submissions and before the award of the contract.

(i) If provided in a request for proposals under Subsection (g) of this section, proposals shall be opened in a manner that avoids disclosure of the contents to competing offerors and keeps the proposals secret during negotiations. All proposals are opened for public inspection after a contract is awarded unless the information is excepted from disclosure under the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

SECTION 5.05. Subchapter E, Chapter 12, Health and Safety Code, is amended by adding Section 12.053 to read as follows:

Sec. 12.053. INVENTORY REQUIREMENTS. All equipment and supplies that are purchased through a program, contract, or grant with the department by or for qualified entities, including but not limited to individuals, corporations, local units of government, and other state agencies, and that are used to promote and maintain public health are exempt from the statewide personal property accounting system administered by the comptroller of public accounts described in Subchapter L, Chapter 403, Government Code. The qualified entities shall maintain complete equipment and supply records. The department may request the return of any usable equipment or supplies purchased with funds provided by the department on the termination of the program, contract, or grant.

SECTION 5.06. Chapter 403, Government Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. PROPERTY ACCOUNTING

Sec. 403.271. PROPERTY ACCOUNTING SYSTEM. (a) This subchapter applies to all personal property belonging to the state.

(b) The comptroller shall administer the property accounting system and maintain centralized records based on information supplied by state agencies and the uniform statewide accounting system. The comptroller shall adopt necessary rules for the implementation of the property accounting system, including setting the dollar value amount for capital assets and authorizing exemptions from reporting.

(c) The property accounting system shall constitute, to the extent possible, the fixed asset component of the uniform statewide accounting system.

(d) The comptroller may authorize a state agency to keep property accounting records at the agency's principal office if the agency maintains complete, accurate, and detailed records. When the comptroller makes such a finding, the comptroller shall keep summary records of the property held by that agency. The agency shall maintain detailed records in the manner prescribed by the comptroller and shall furnish reports at the time and in the form directed by the comptroller.

(e) A state agency shall mark and identify state property in its possession. The agency shall follow the rules issued by the comptroller in marking state property.

Sec. 403.272. RESPONSIBILITY FOR PROPERTY ACCOUNTING. (a) A state agency must comply with this subchapter and maintain the property records required.

(b) All personal property owned by the state shall be accounted for by the agency that possesses the property. The comptroller shall define personal property by rule for the purposes of this subchapter. In adopting rules, the comptroller shall consider the value of the property, its expected useful life, and the cost of recordkeeping. The comptroller shall consult with the state auditor in drafting rules. The state auditor shall cooperate with the comptroller by giving technical assistance and advice.

Sec. 403.273. PROPERTY MANAGER; PROPERTY INVENTORY. (a) The head of each state agency is responsible for the custody and care of state property in the agency's possession.

(b) The head of each state agency shall designate a property manager and inform the comptroller of the designation. Subject to comptroller approval, more than one property manager may be appointed by the agency head.

(c) The property manager shall maintain the records required and be the custodian of all property possessed by the agency.

(d) State property may be used only for state purposes.

(e) When an agency's property is entrusted to a person other than the property manager, the property manager shall require a written receipt from the person receiving custody of the property. When the property of one agency is lent to another agency, the lending must be authorized in writing by the head of the agency that is lending the property. A written receipt must be executed by the head of the agency that is receiving the property.

(f) On the date prescribed by the comptroller, a state agency shall make a complete physical inventory of all property in its possession. The inventory must be completed once each year.

(g) Within 45 days after the inventory date prescribed by the comptroller, the head of each state agency shall forward to the comptroller a signed statement describing the method used to verify the inventory and a copy of the inventory.

(h) The property records prepared by each state agency must accurately reflect the property currently possessed by the agency. The agency must use the methods

prescribed by the comptroller to delete property from the agency's property records. Property that has become surplus or obsolete and no longer serviceable may be deleted from the agency's records only upon authorization by the comptroller. Property that is missing or that is disposed of directly by the agency shall be deleted from the comptroller's records on approval by the state auditor.

Sec. 403.274. CHANGE OF AGENCY HEAD OR PROPERTY MANAGER. When there is a new head or property manager of an agency, the new head or property manager of the agency shall execute a receipt for all agency property accounted for to the outgoing agency head or property manager. A copy of the receipt shall be delivered to the comptroller, the state auditor, and the outgoing agency head or property manager.

Sec. 403.275. LIABILITY FOR PROPERTY LOSS. The liability prescribed by this section may attach on a joint and several basis to more than one person in a particular instance. A person is pecuniarily liable for the loss sustained by the state if:

(1) agency property disappears as a result of the failure of the head of an agency, property manager, or agency employee entrusted with the property to exercise reasonable care for its safekeeping;

(2) agency property deteriorates as a result of the failure of the head of an agency, property manager, or agency employee entrusted with the property to exercise reasonable care to maintain and service the property; or

(3) agency property is damaged or destroyed as a result of an intentional wrongful act or of a negligent act of any state official or employee.

Sec. 403.276. REPORTING TO STATE AUDITOR AND ATTORNEY GENERAL. (a) If a head of an agency has reasonable cause to believe that any state property in the agency's possession has been lost, destroyed, or damaged through the negligence or fault of any state official or employee, the agency head responsible shall immediately report the loss, destruction, or damage to the state auditor and to the attorney general.

(b) The attorney general shall investigate a report of loss, destruction, or damage to state property.

(c) If the investigation discloses that a property loss has been sustained by the state through the fault of a state official or employee, the attorney general shall make written demand on the state official or employee for reimbursement to the state for the loss sustained.

(d) If the demand made by the attorney general for reimbursement for property loss, destruction, or damage is refused or disregarded by the state official or employee on whom such demand is made, the attorney general may take legal action to recover the value of the state property as the attorney general deems necessary.

(e) Venue for all suits instituted under this section against a state official or employee is in a court of appropriate jurisdiction of Travis County.

Sec. 403.277. FAILURE TO KEEP RECORDS. If a state agency fails to keep the records or fails to take the annual physical inventory required by this subchapter, the comptroller may refuse to draw warrants or initiate electronic funds transfers on behalf of the agency.

Sec. 403.278. TRANSFER OF PERSONAL PROPERTY. (a) A state agency may transfer any personal property of the state in its possession to another state agency with or without reimbursement between the agencies.

(b) When personal property in the possession of one state agency is transferred to the possession of another state agency, the transfers must be reported immediately to the comptroller by the transferor and the transferee on the forms prescribed.

SECTION 5.07. Section 481.027, Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (e) and (f) to read as follows:

(a) The department shall maintain and operate offices in foreign countries for the purposes of promoting investment that generates jobs in Texas, exporting of Texas products, tourism, and international relations for Texas. The offices shall be named "The State of Texas" offices. To the extent permitted by law, other state agencies that conduct business in foreign countries may place staff in the offices established by the department and share the overhead and operating expenses of the offices. Other state agencies and the department may enter interagency contracts for this purpose. Chapter 771 does not apply to those contracts. Any purchase for local procurement or contract in excess of \$5,000 shall be approved by the executive director prior to its execution.

(b) The offices shall be accessible to Texas-based institutions of higher education and their nonprofit affiliates for the purposes of fostering Texas science, technology, and research development, international trade and investment, and cultural exchange. The department and the institutions may enter contracts for this purpose. Chapter 771 does not apply to those contracts.

(e) Articles 8 and 9, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), apply to the operation and maintenance of the offices. No other provisions of that Act apply to the operation and maintenance of the offices or to transactions of the department that are authorized by this section.

(f) The General Services Department may, at the request of a state agency, provide to the agency services exempted from the application of the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes) under Subsection (e). Chapter 771 does not apply to services provided under this subsection. The General Services Department shall establish a system of charges and billings that ensures recovery of the cost of providing the services and shall submit a purchase voucher or a journal voucher, after the close of each month, to the agency for which services were performed.

SECTION 5.08. Section 497.026(b), Government Code, as renumbered and amended by Chapter 16, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(b) If the [~~State Purchasing and~~] General Services Department [~~Commission~~] determines that an article or product produced by the institutional division under this subchapter does not meet the requirements of an agency of the state or a political subdivision, or the institutional division of the Texas Department of Criminal Justice determines that the division is unable to fill a requisition for an article or product, the agency or subdivision may purchase the article or product from another source.

SECTION 5.09. Section 497.027, Government Code, as renumbered by Chapter 16, Acts of the 72nd Legislature, Regular Session, 1991, is amended by amending Subsection (a) and by adding Subsection (c) to read as follows:

(a) An agency of the state that purchases articles and products under this subchapter must requisition the purchase through the [~~State Purchasing and~~] General Services Department except for purchases of items or services not included in an established contract. The purchase of items not included in an established contract and that do not exceed the dollar limits established under Section 3.08(a), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), may be acquired directly from the institutional division on the agency's obtaining an informal or a formal quotation for the item and issuing a proper purchase order to the institutional division [~~Commission~~].

(c) If an agency or political subdivision purchasing goods under this subchapter desires to purchase goods or articles from the institutional division, it may do so

without complying with any other state law otherwise requiring the agency or political subdivision to request competitive bids for the article or product. A political subdivision is not required to purchase goods or articles from the institutional division if the political subdivision determines that the goods or articles can be purchased elsewhere at a lower price. An agency is not required to purchase goods or articles from the institutional division if the agency determines, and the General Services Department certifies, that the goods or articles can be purchased elsewhere at a lower price.

SECTION 5.10. Article 4348e, Revised Statutes, is amended by adding Section 5 to read as follows:

Sec. 5. COORDINATION OF DUTIES. The General Services Department, the Department of Information Resources, and the comptroller shall coordinate their duties to ensure the effective and efficient implementation of the uniform statewide accounting system.

SECTION 5.11. Title 20, Revised Statutes, is amended by adding Article 601i to read as follows:

Art. 601i. CONSULTING SERVICES

Sec. 1. SHORT TITLE. This article may be cited as the Consulting Services Act.

Sec. 2. DEFINITIONS. In this article:

(1) "Consulting services" means the human service of studying or advising a state agency but does not include services covered under the Professional Services Procurement Act (Article 664-4, Vernon's Texas Civil Statutes).

(2) "State agency" has the meaning assigned by Section 1.02, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).

Sec. 3. APPLICABILITY. (a) This article applies to the receipt of consulting services by a state agency under a contract that does not involve the traditional relationship of employer and employee. This article, including rules adopted by the comptroller or governor under this article and the requirement of a finding of need by the governor, also applies to an amendment to or an extension of such a contract.

(b) This article applies to consulting services that a state agency purchases with funds:

(1) appropriated by the legislature;

(2) generated by the statutory duties of a state agency; or

(3) received from the federal government to the extent that federal laws or regulations do not conflict with this Act.

(c) This article does not apply to a contract to which Article 601j, Revised Statutes, applies.

Sec. 4. CERTAIN SERVICES EXCEPTED FROM ARTICLE. (a) If the governor, comptroller, and General Services Department consider that it is more advantageous to the state for the procurement of a particular consulting service to be subject to the procedures of Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), rather than to the procedures of this article, they may make a memorandum of understanding to that effect and each adopt that memorandum of understanding by rule. State agency procurement of a consulting service included in a memorandum of understanding adopted under this subsection is subject to Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), and not subject to the requirements of this article.

(b) The comptroller by rule may define circumstances in which state agency procurement of certain consulting services that will cost less than a minimum amount established by the comptroller are excepted from the requirements of this article, if the comptroller determines that it would be more cost-effective for the state.

(c) The services of a consultant whose services are determined by the governing board of a retirement system trust fund to be necessary for the performance of its fiduciary duties under the state constitution are exempted from this article, except that the governing board shall comply with Section 7(c) of this article. Contracts made under this subsection are not void for failure to comply with the requirements of the article.

Sec. 5. CONTRACTS VOID. (a) A contract made by a state agency for the receipt of a service that is subject to this article is void if the contract or the procedures under which the contract was awarded violate this article or a rule adopted under this article.

(b) If a contract is void under this section, the comptroller or a state agency may not make any payments under the contract.

Sec. 6. FINDING OF NEED. (a) A state agency may not contract to receive consulting services unless:

(1) the governor issues a written finding of need for the agency to obtain the service under a contract to which this article applies;

(2) the governor does not inform the state agency of the governor's decision by the 45th day after the date that the governor's office received the request for a finding of need; or

(3) the contract is excepted from this article under Section 4 of this article.

(b) The governor may adopt rules for the procedures a state agency must follow when requesting a finding of need and demonstrating the need to the governor.

Sec. 7. REQUIRED PROCEDURES. (a) The comptroller shall adopt rules that govern the procedures for making a contract for consulting services under this article. The comptroller's rules under this section:

(1) must require adequate advance public notice of requests for bids and proposals;

(2) may determine the form of notice required as appropriate in different circumstances;

(3) may determine the extent to which bids, proposals, or opportunities for negotiation are most advantageous to the state and required as appropriate in different circumstances, and determine the procedures for bids, proposals, and negotiations leading to the award of a contract;

(4) may determine, based on what is most advantageous to the state, the extent to which demonstrated competence and qualifications should be taken into account when a state agency evaluates a bid or proposal in different circumstances; and

(5) may be modeled in part on other state laws that govern bids and proposals in public contracting, to the extent appropriate.

(b) The governor may exempt a state agency from all or part of the comptroller's rules under this section if the governor determines that an unforeseen emergency has arisen that makes compliance with all or part of the rules infeasible. For purposes of this subsection, an unforeseen emergency is an emergency that the agency could not reasonably be expected to foresee. The governor may adopt rules for the administration of this subsection.

(c) No later than the 10th day after executing a consulting services contract, a state agency that enters into a contract under this article with a value that exceeds \$10,000 shall file with the secretary of state:

(1) a description of the activities that the private consultant will conduct;

(2) the name and business address of the private consultant;

(3) the total value and the beginning and ending dates of the contract;

and

(4) the due dates of documents, films, recordings, or reports that the private consultant is required to present to the agency.

(d) On receipt of the information described in Subsection (c) of this section, the secretary of state shall publish the information in the Texas Register.

Sec. 8. CONFLICTS OF INTEREST. An officer or employee of a state agency who has a financial interest in a firm or corporation that provides contracted services under this article and that submits an offer to provide services under this article to the agency, or who is related within the second degree by consanguinity or affinity to a person having that financial interest, shall report the financial interest to the executive head of the state agency not later than the 10th day after the date on which the contractor submits the contracted services offer.

Sec. 9. JOINT RULES; REVIEW AND COMMENT FOR RULES. (a) The governor, the comptroller, and the Department of Information Resources shall develop joint rules under Sections 7(a)(1) and (2) of this article and under Sections 6(a)(1) and (2), Article 601j, Revised Statutes.

(b) The comptroller shall submit proposed rules under this article to the governor and to the General Services Department for review and comment before adopting the rules.

Sec. 10. PROCUREMENT THROUGH GENERAL SERVICES DEPARTMENT. (a) At the request of a state agency, the General Services Department shall procure services that are covered by this article for the agency.

(b) The department may require reimbursement for the costs it incurs when it performs a service under this section.

Sec. 11. ARCHIVES. (a) After a state agency's contract with a consultant under this article has ended, the state agency shall, upon request, supply the Legislative Budget Board and the Governor's Budget and Planning Office with copies of all documents, films, recordings, or reports developed by the consultant.

(b) Copies of all documents, films, recordings, or reports developed by the consultant shall be filed with the Texas State Library and Archives Commission and shall be retained by the library for at least five years after receipt.

(c) The Texas State Library and Archives Commission shall compile a list of documents, films, recordings, and reports submitted to it under Subsection (b) of this section and shall file the list at the end of each calendar quarter with the secretary of state for publication in the Texas Register.

Sec. 12. COORDINATION WITH DEPARTMENT OF INFORMATION RESOURCES. The comptroller and the Department of Information Resources shall adopt by rule a memorandum of understanding that coordinates their duties under this article and Article 601j, Revised Statutes.

PART 6. REPEALER

SECTION 6.01. (a) The following laws are repealed:

(1) Sections 2.01-2.07, 2.09, 3.27, and 14.05, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes);

(2) Subsection (b), Section 6.051, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as added by Section 4, Chapter 779, Acts of the 71st Legislature, Regular Session, 1989;

(3) Article 99, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes); and

(4) Chapter 454, Acts of the 65th Legislature, Regular Session, 1977 (Article 6252-11c, Vernon's Texas Civil Statutes).

(b) Article 8, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is repealed on certification by the comptroller of the implementation of the fixed asset component of the uniform statewide accounting system.

(c) Riders 25 and 26 under the appropriation to the State Purchasing and General Services Commission in the General Appropriations Act for the biennium ending August 31, 1993 (page I-228, H.B. 1, Acts of the 72nd Legislature, 1st Called Session, 1991), are repealed.

PART 7. TRANSITIONAL MATTERS

SECTION 7.01. (a) As soon as possible after the effective date of this Act, the governor shall appoint the initial members of the governing board of the General Services Department in accordance with Article 601k, Revised Statutes, as added by this Act. The governor shall appoint one member to a term expiring February 1, 1993, one to a term expiring February 1, 1995, and one to a term expiring February 1, 1997.

(b) The department may not take action until at least a quorum of the appointees have taken office and the executive director has taken office. The governor shall set the amount of the initial bond required of the executive director by Section 9(a), Article 601k, Revised Statutes, as added by this Act.

SECTION 7.02. (a) On the date that the General Services Department may first take action under Section 8.01 of this Act, the State Purchasing and General Services Commission is abolished. On that date, the powers, duties, obligations, rights, contracts, records, personnel, property, and unspent appropriations and other funds of the commission are transferred to the department.

(b) All rules of the State Purchasing and General Services Commission are continued in effect as rules of the General Services Department until superseded by a rule of the department.

(c) Notwithstanding the changes in law made by this Act, until the date that the State Purchasing and General Services Commission is abolished as provided by this section, the members of the commission on the effective date of this Act may continue in office and exercise the powers and duties of the commission under the law that governed the existence of the commission before the effective date of this Act, and the prior law is continued in effect for this purpose. The commission shall make any appropriate transfers required of the department under this part if the transfer under Subsection (a) of this section is delayed.

SECTION 7.03. If the State Purchasing and General Services Commission has effectively authorized another state agency to take an action, the action may be taken even if the action is taken after the date that the commission is abolished unless the authorization is lawfully rescinded by the General Services Department before the action is taken.

SECTION 7.04. (a) The change in law to Section 5.20(c), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), made by this Act that relates to allowing bidders at least 30 days to respond to an invitation to bid, and the change in law to Section 5.22(b), State Purchasing and General Services Act, made by this Act that relates to allowing each private architect/engineer at least 30 days to prepare for an interview, apply only in relation to a contract for which the General Services Department issues bid documents on or after the effective date of this Act.

(b) The General Services Department is required to identify only one of its own commercial activities for competitive cost review under Section 13.03, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by this Act, for the biennium ending August 31, 1993.

SECTION 7.05. (a) The school bus revolving fund formerly established under Section 21.180, Education Code, is abolished subject to the satisfaction of any valid outstanding obligations against the fund. The General Services Department shall transfer any money remaining in the fund after the satisfaction of all valid outstanding obligations against the fund to the state treasury for deposit in the general revenue fund. The department shall transfer any money received by the

department after the date the fund was abolished that was owed to the fund before the date the fund was abolished to the state treasury for deposit in the general revenue fund.

(b) The changes in law made by this Act relating to a contract for the lease of one or more school buses under Section 21.182, Education Code, and other law apply only to a contract made on or after the effective date of this Act except that the reporting requirements added to Subsection (h), Section 21.182, Education Code, by this Act apply according to their terms to any contract under Section 21.182. Otherwise, a contract for the lease of one or more school buses that was made under Section 21.182, Education Code, before the effective date of this Act is governed by the law relating to a contract for the lease of one or more school buses by a county or local district school board in effect on the date that the contract was made, and that law is continued in effect for this purpose.

SECTION 7.06. (a) The changes in law made by Part 4 of this Act relating to the dissemination of information about the architectural barriers program, the setting and collecting of fees to recover program costs, and the transfer of that program from the General Services Department to the Texas Department of Licensing and Regulation apply beginning on the effective date of this Act. All other changes in law made by Part 4 of this Act relating to the architectural barriers program do not apply until January 1, 1992, and until that date the former law governs the program and is continued in effect for this purpose.

(b) On the effective date of this Act all powers, duties, and obligations relating to the architectural barriers program are transferred from the General Services Department to the Texas Department of Licensing and Regulation as provided by this Act. All records and property in the custody of the General Services Department that relate to the program are transferred to the Texas Department of Licensing and Regulation. All appropriations to the General Services Department for the operation of the program and all employees of the General Services Department employed to operate the program are transferred to the Texas Department of Licensing and Regulation. All investigations and all filed complaints relating to the program are transferred without change in status from the General Services Department to the Texas Department of Licensing and Regulation. All General Services Department rules, standards, and specifications relating to the program remain in effect as Texas Department of Licensing and Regulation rules, standards, and specifications unless superseded by proper authority of the Texas Department of Licensing and Regulation.

SECTION 7.07. A privately financed building that was constructed on or after January 1, 1978, but before January 1, 1992, and that was covered under the architectural barriers law in effect immediately before the effective date of this Act (Article 7, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), and rules adopted under that law) remains subject to the prior architectural barriers law and rules until the building is substantially renovated, modified, or altered, and the prior law and rules are continued in effect for this purpose. The Texas Department of Licensing and Regulation shall enforce the prior law and rules under this section, and all enforcement mechanisms available to the department in its enforcement of the architectural barriers law and rules are available to the department in its enforcement of the prior law and rules under this section.

SECTION 7.08. (a) A contract that was made before the effective date of this Act to which Chapter 454, Acts of the 65th Legislature, Regular Session, 1977 (Article 6252-11c, Vernon's Texas Civil Statutes), applied is neither void nor voidable solely for a failure to comply with that law's requirements, if the contract was made in compliance with that law either as it was originally enacted in 1977 or as it was amended by Article 98, Chapter 773, Acts of the 66th Legislature, 1979.

(b) The changes in law made by Part 5 of this Act relating to consulting, professional, and routine services apply only to a contract or a contract extension, amendment, or renewal made on or after the effective date of this Act. A contract relating to those services that was made before the effective date of this Act is governed by the law in effect at the time the contract was made, except for matters relating to an extension, amendment, or renewal of such a contract on or after the effective date of this Act, and the prior law is continued in effect for this purpose.

SECTION 7.09. The General Services Department shall study the benefits of a central state vehicle fleet and other issues related to centralized vehicle services for state government. The department shall develop and recommend an implementation plan as part of the study. The study shall address issues related to the state's vehicle fleet and vehicle services that were addressed by the Texas Performance Review and by the various versions of related legislation that were considered by the 72nd Legislature, 1st Called Session, together with other issues that the department considers relevant. The department shall report the findings of its study and its implementation plan to the governor and to the presiding officer of each house of the legislature not later than the date on which the 73rd Legislature convenes in regular session.

SECTION 7.10. The first policy statement required to be filed under Section 10(g), Article 601k, Revised Statutes, as added by this Act, must be filed before February 1, 1992.

SECTION 7.11. The changes in law made by Subchapter L, Chapter 403, Government Code, as added by this Act, take effect on certification by the comptroller of the implementation of the fixed asset component of the uniform statewide accounting system.

PART 8. EFFECTIVE DATE; EMERGENCY CLAUSE

SECTION 8.01. This Act takes effect September 1, 1991, except as otherwise provided by this Act.

SECTION 8.02. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

The amendment was read.

POINT OF ORDER

Senator Harris of Dallas raised a Point of Order that the amendment was not germane to the body of the bill and that the caption contained two subject matters.

On motion of Senator Harris of Dallas and by unanimous consent, the Point of Order was withdrawn.

Question—Shall Floor Amendment No. 2 be adopted?

Senator Harris of Dallas moved to table Floor Amendment No. 2.

(Senator Montford in Chair)

The motion to table was lost by the following vote: Yeas 13, Nays 17.

Yeas: Armbrister, Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Moncrief, Ratliff, Sibley, Sims, Turner.

Nays: Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Johnson, Lucio, Montford, Parker, Rosson, Tejada, Truan, Whitmire, Zaffirini.

Absent: Lyon.

(President in Chair)

Question—Shall Floor Amendment No. 2 be adopted?

POINT OF ORDER

Senator Harris of Dallas again raised a Point of Order that the amendment was not germane to the body of the bill and the caption contained two subject matters.

Question—Shall Floor Amendment No. 2 be adopted?

RECESS

On motion of Senator Brooks, the Senate at 5:24 p.m. took recess until 5:55 p.m. today.

AFTER RECESS

The Senate met at 5:55 p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

House Chamber
August 25, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House suspended all necessary rules and concurred in Senate amendments to H.B. 1 by a record vote of 74 Ayes, 60 Noes, 1 Present-not voting.

The House suspended all necessary rules and concurred in Senate amendments to H.B. 64 by a record vote of 118 Ayes, 13 Noes.

The House suspended all necessary rules and concurred in Senate amendments to H.B. 62 by a record vote of 132 Ayes, 1 Noes.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

Question—Shall Floor Amendment No. 2 be adopted?

On motion of Senator Harris of Dallas and by unanimous consent, the Point of Order was withdrawn.

On motion of Senator Barrientos and by unanimous consent, Floor Amendment No. 2 was withdrawn.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 3

Amend H.B. 39 (page 6, line 26), Sec. 2.07, by striking "2003" and inserting "1993".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 39 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 39 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

Yeas: Armbrister, Bivins, Brooks, Brown, Dickson, Ellis, Glasgow, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lyon, Moncrief, Montford, Parker, Ratliff, Sibley, Sims, Zaffirini.

Nays: Barrientos, Carriker, Green, Johnson, Lucio, Rosson, Tejeda, Truan, Turner, Whitmire.

MOTION IN WRITING

Senator Brooks offered the following Motion In Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate has completed its labors and is ready to adjourn sine die.

BROOKS

The Motion In Writing was read and was adopted by a viva voce vote.

Accordingly, the President appointed the following Committee to Notify the Governor: Senators Johnson, Bivins, Zaffirini, Krier, Rosson.

MOTION IN WRITING

Senator Brooks offered the following Motion In Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the House of Representatives that the Senate has completed its labors and is ready to adjourn sine die.

BROOKS

The Motion In Writing was read and was adopted by a viva voce vote.

Accordingly, the President appointed the following Committee to Notify the House of Representatives: Senators Glasgow, Dickson, Montford, Brooks, Haley.

HOUSE BILL AND RESOLUTION ON FIRST READING

The following bill and resolution received from the House were read the first time and referred to the Committee indicated:

H.B. 102, To Committee on Finance.

H.C.R. 7, To Committee on State Affairs.

GOVERNOR NOTIFIED

The Committee appointed to notify the Governor that the Senate had adjourned sine die appeared at the Bar of the Senate and Senator Bivins for the Committee reported to the Senate they had completed their assigned task.

The President discharged the Committee.

HOUSE OF REPRESENTATIVES NOTIFIED

The Committee appointed to notify the House of Representatives that the Senate had adjourned sine die appeared at the Bar of the Senate and Senator Glasgow for the Committee reported to the Senate they had completed their assigned task.

The President discharged the Committee.

GUEST PRESENTED

Senator Dickson was recognized and presented his wife Kathy and announced to the Senate that today is her birthday.

The Senate congratulated Mrs. Dickson on her birthday.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S.J.R. 2
S.C.R. 5
S.C.R. 7
S.C.R. 11
S.C.R. 13
S.C.R. 14
S.B. 19
S.B. 20
S.B. 41
S.B. 45
S.B. 2

MOTION TO ADJOURN SINE DIE

Senator Brooks at 6:20 p.m. moved that the Senate of the 72nd Legislature, 2nd Called Session, adjourn sine die, upon completion of administrative duties.

The motion prevailed.

MESSAGE FROM THE HOUSE

House Chamber
August 25, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 15, Resolved by the Senate of the State of Texas, the House of Representatives concurring, that the 72nd Legislature, 2nd Called Session, stand adjourned sine die. (As amended)

The House suspended all necessary rules and concurred in Senate amendments to **H.B. 39** by a record vote of 127 Ayes, 0 Noes, 2 Present-not voting.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE CONCURRENT RESOLUTION 15 WITH HOUSE AMENDMENT

Senator Brooks called **S.C.R. 15** from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

Amendment - Laney

Amend **S.C.R. 15** by striking "at 6:00 p.m. o'clock," and substituting "pending the signing of bills and resolutions in the presence of the respective houses on"

The amendment was read.

On motion of Senator Brooks and by unanimous consent, the Senate concurred in the House amendment to **S.C.R. 15** by a viva voce vote.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H.C.R. 1
H.C.R. 2
H.C.R. 3
H.C.R. 4
H.C.R. 10
H.B. 1
H.B. 39
H.B. 62
H.B. 64
H.B. 93
S.C.R. 15

MEMORIAL RESOLUTIONS

S.R. 67 - By Glasgow: In memory of Doris Lucille LaBaume of Stephenville.

S.R. 68 - By Glasgow: In memory of L. B. Givens of Cisco.

S.R. 69 - By Glasgow: In memory of Don J. Howard of Meridian.

S.R. 76 - By Carriker: In memory of Robert Eugene Chambers of Wichita Falls.

S.R. 85 - By Glasgow: In memory of Cleburne newspaper writer and columnist Clyde "Hedge" Head.

S.R. 87 - By Glasgow: In memory of Grace Prim Lyon of Dublin.

CONGRATULATORY RESOLUTIONS

H.C.R. 1 - (Krier): Honoring Dr. Howard Arthur Britton on the occasion of his retirement from active service as an esteemed physician in the community of Santa Rosa.

H.C.R. 4 - (Krier): Commending the Alamo Interstitial Cystitis Association for its efforts to assist IC sufferers and recognizing the month of October 1991 as Interstitial Cystitis Awareness Month in Texas.

H.C.R. 10 - (Moncrief): Designating September 11, 1991, as 9-1-1 Day in Texas and commending the 9-1-1 emergency telephone program.

S.R. 65 - By Johnson: Extending congratulations to Saint Paul United Methodist Church of Dallas on the occasion of its 118th anniversary.

S.R. 66 - By Barrientos: Honoring Beverly Jeanine Veltman of Austin on the occasion of her 50th birthday.

S.R. 70 - By Glasgow: Extending congratulations to Don F. Smith who received the Stephenville Masonic Lodge Number 267's Community Builder Award.

S.R. 71 - By Lucio: Honoring the many accomplishments and exemplary service of Stella G. Zarate.

S.R. 72 - By Lucio: Commending Arnaldo Ramirez for his outstanding contributions to international goodwill.

S.R. 73 - By Lucio: Honoring the Valley Hispanic Chamber of Commerce on the occasion of its 12th annual Diez y Seis de Septiembre Fiesta.

S.R. 74 - By Glasgow: Extending congratulations to Staff Sergeant Joel Bishop of Bluff Dale who was recently awarded the Bronze Star for his meritorious service during Operation Desert Storm.

S.R. 78 - By Lucio: Commending The Honorable Ciro Trevino, tax assessor-collector for Hildalgo County, for his 24 years of faithful and dedicated service to his community.

S.R. 79 - By Lucio: Honoring the many accomplishments and exemplary service of Joe G. Rivera.

S.R. 80 - By Ellis: Extending congratulations to Mr. and Mrs. Ben Dukes, Sr., of Austin on the occasion of their 35th wedding anniversary.

S.R. 81 - By Ellis: Recognizing Vernell Sturns of Fort Worth for his recent promotion to the eminent position of Executive Director of the Dallas/Fort Worth International Airport.

S.R. 82 - By Brooks: Extending congratulations to Peggy Tibbs for being selected "District Teacher of the Year" for 1991-1992 by the Deer Park Independent School District.

S.R. 83 - By Tejeda: Extending congratulations to Ruby Jean Green who was recently selected as "Sunday's Woman" by the San Antonio Light for her outstanding contributions to her community.

S.R. 84 - By Glasgow: Extending congratulations to Charlotte Hewell of Rendon for her outstanding performance at the recent Special Olympics games in Saint Paul, Minnesota.

S.R. 86 - By Glasgow: Extending congratulations to Coach Hal McAfee and Tarleton State University for being ranked number one in National Association of Intercollegiate Athletics Division II football by the College Football Preview magazine.

S.R. 88 - By Glasgow: Extending congratulations to George Muckleroy on achieving the rank of Eagle Scout.

S.R. 89 - By Turner: Extending congratulations to Mr. and Mrs. Sherrell Shaw on the occasion of their 65th wedding anniversary.

S.R. 90 - By Turner: Honoring Miss Imogene Sanders of Rockdale on the occasion of her 100th birthday.

S.R. 91 - By Turner: Extending congratulations to Mr. and Mrs. Lewis Garrett of Grapeland on the occasion of their 70th wedding anniversary.

S.R. 92 - By Turner: Extending congratulations to Mr. and Mrs. G. Duwaine Callison of Georgetown on the occasion of their 50th wedding anniversary.

S.R. 93 - By Lucio: Commending Glen Roney for his outstanding contributions to The University of Texas-Pan American and the South Texas community.

S.R. 94 - By Lucio: Recognizing The Honorable Ygnacio D. Garza for his outstanding contributions to his community and state.

S.R. 96 - By Green: Honoring Mike Scott of the Houston Astros for his exemplary record in baseball.

S.R. 99 - By Lucio: Extending congratulations to The University of Texas-Pan American on the occasion of its 64th anniversary.

S.R. 100 - By Lucio: Recognizing Mr. and Mrs. Stanley Addington for their many outstanding contributions to The University of Texas-Pan American.

S.R. 101 - By Lucio: Recognizing Dr. Ralph Schilling for his many years of outstanding service to The University of Texas-Pan American.

S.R. 102 - By Lucio: Recognizing Dan Sanborn for his many outstanding contributions to The University of Texas-Pan American.

S.R. 103 - By Lucio: Recognizing Dr. Lauro G. Guerra for his many outstanding contributions to The University of Texas-Pan American.

S.R. 104 - By Lucio: Recognizing Dr. Pauline James for her many years of outstanding service to The University of Texas-Pan American.

S.R. 105 - By Lucio: Honoring Frank and Hilda Sullivan of Harlingen for their outstanding dedication and involvement in their community as well as for their many professional achievements.

S.R. 107 - By Brown: Extending congratulations to Susan Elizabeth Woelfel and Anthony Joseph Moskal on the joyful occasion of their marriage, August 17, 1991.

S.R. 108 - By Brown: Recognizing John William "Jack" Turcotte for his 39 years of loyal service as Treasurer of Kenedy County.

S.R. 109 - By Ellis: Recognizing The Reverend Elder John W. Gill on the occasion of his 20th anniversary with the Universal Fellowship of Metropolitan Community Churches.

S.R. 110 - By Ellis: Recognizing the members of the Gulf Coast Chapter of People Against Violent Crime on the occasion of their second anniversary.

ADJOURNMENT SINE DIE

The President announced at 8:15 p.m. that the hour for final adjournment of the 72nd Legislature, 2nd Called Session had arrived and, in accordance with a

motion previously adopted, declared the 72nd Legislature, 2nd Called Session adjourned sine die in memory of J. S. "Checo" Garcia of San Diego and Raul G. Garza, Jr., of Kingsville.

APPENDIX

Signed by Governor
(August 23, 1991)

S.B. 3 (Effective immediately)

Sent to Governor
(August 26, 1991)

S.C.R. 3

S.C.R. 4

S.C.R. 5

S.C.R. 6

S.C.R. 7

S.C.R. 11

S.C.R. 13

S.C.R. 14

S.C.R. 15

S.B. 2

S.B. 4

S.B. 19

S.B. 20

S.B. 41

S.B. 45

Filed with Secretary of State
(August 26, 1991)

S.J.R. 2

Signed by Governor
(August 29, 1991)

S.B. 2 (Effective October 24, 1991,
and January 1, 1993)

S.B. 4 (Effective immediately)

S.B. 19 (Effective immediately)

S.B. 20 (Effective immediately; Sections 1, 3,
4 and 5 upon passage of **S.J.R. 2**)

S.B. 45 (Effective September 1, 1991)

H.B. 1 (Effective November 24, 1991)

H.B. 39 (Effective September 1, 1991)

H.B. 64 (Effective upon passage of
Constitutional amendment)

H.B. 93 (Effective according to its
terms immediately and
October 24, 1991)

S.C.R. 3

S.C.R. 4

S.C.R. 5

S.C.R. 6

S.C.R. 7

S.C.R. 11

S.C.R. 13

S.C.R. 14

S.C.R. 15

H.C.R. 1

H.C.R. 2

H.C.R. 3

H.C.R. 4

H.C.R. 10

Signed by Governor
(August 30, 1991)

H.C.R. 8

S.B. 41 (Effective September 1, 1991)

H.B. 62 (Effective January 1, 1992)

In Memory**of****J. S. "Checo" Garcia**

Senator Zaffirini offered the following resolution:

(Senate Resolution 95)

WHEREAS, The Senate of the State of Texas joins with the citizens of San Diego in mourning the loss of J. S. "Checo" Garcia who died August 22, 1991; and

WHEREAS, Imbued with a deep love of country, he gallantly served in the United States Army; and

WHEREAS, Well known and respected for his accomplishments, Mr. Garcia was dedicated to his work as owner of Duval Motor Company; and

WHEREAS, An effective leader, Mr. Garcia was a past president of the San Diego Independent School District and a member of the San Diego City Council; and

WHEREAS, A devout Christian, he attended Saint Vincent De Paul's Catholic Church where he was a highly respected parishoner; and

WHEREAS, His wisdom, warm spirit, and valued counsel will not be forgotten by those who knew him; and

WHEREAS, Mr. Garcia was a devoted husband and father, and he leaves behind memories that will be forever treasured by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, 2nd Called Session, hereby extend sincere condolences to the bereaved family of J. S. "Checo" Garcia: his wife, Angelina Ramirez; his children, Saul and Susan Garcia, Selena and Ernesto Blanco, Sonya and Nelson Ferries, Suzette and Robert Tovar, and Syda Garcia; his mother, Gregoria B. Garcia; and his eight grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of J. S. "Checo" Garcia.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Zaffirini and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

In Memory**of****Raul G. Garza, Jr.**

Senator Truan offered the following resolution:

(Senate Resolution 106)

WHEREAS, The Senate of the State of Texas expresses its sincere sympathy to the parents, family, and friends of Raul G. Garza, Jr., who died suddenly in an automobile accident on Friday, August 23, 1991, at the age of 30; and

WHEREAS, He will be remembered as a loving son and a kind an generous brother; and

WHEREAS, Raul was an 1979 graduate of H.M. King High School and a 1981 graduate of Del Mar Tech where he earned a technical degree in Air Conditioning and Refrigeration, and he contributed his talents and expertise to the Electrical Trades Club as vice-president while attending college; and

WHEREAS, A dedicated and diligent worker, he was a Maintenance Supervisor at Cantabury Nursing Home where he was an integral part of the nursing home community, beloved by the patients, nurses, and other employees; and

WHEREAS, Raul was an active outdoorsman, availing himself of every opportunity to go fishing and hunting; and

WHEREAS, Nothing can be said to soothe the pain and suffering experienced by his family and friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, 2nd Called Session, hereby extend sincere condolences to his bereaved family: his father, Raul G. Garza, Sr.; his mother, Angelica G. Garza; his paternal grandmother, Arcelia A. Garza; his twin brother, Rene G. Garza; and his sisters, Diana L. Garza, Francisca Garza, Maria Rosario Acuna, and Rosalinda Perez; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Raul G. Garza, Jr.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan and by unanimous consent, the resolution was adopted by a rising vote of the Senate.